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## Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all time, keep us from being distracted from what's important today by the tyranny of the urgent. Help us prioritize the demands of this day. Give us the courage to live on what You will show us is on Your agenda. May we deem urgent what glorifies You, brings us into a deeper relationship with You, and serves the needs of people. Our desire is to live with an inner serenity about the pressures of the day. Rather than thrashing about to keep afloat, free us to float uplifted by the blessed buoyancy of Your power. Carry us by the currents of Your spirit. Guide us through the rocks in the river, some of which are hidden beneath the surface.

Lord, we want to be inner-directed people rather than those who are pulled in all directions. Make us so secure in You that we will have strength to discover and do Your will. Give us courage to say, "No" to some things and "Yes" to others on the basis of Your guidance in our minds and hearts.

We press on to this day with our only concern being that we might miss Your best in the busy schedule of the day. So now quiet any dissonance in us, overcome any resistance in our wills, and fill any emptiness in our hearts. Through our Saviour and Lord. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT from Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President.

### SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will resume consideration of the motion to proceed to the consideration of S. 543, the Volunteer Protection Act. Debate on the motion to proceed will continue until 12:30 p.m., with the time equally divided between Senator COVERDELL, or his designee, and the ranking member, or his designee. From 12:30 p.m. to 2:15 p.m., the Senate will be in recess for the weekly policy luncheons. By a previous order, at 2:15 p.m., there will be a cloture vote on the motion to proceed to S. 543, the Volunteer Protection Act. If cloture is invoked, there will be 1 hour of debate, followed by a vote on the motion to proceed. As a reminder, a second cloture motion was filed last night on the motion to proceed to S. 543. Therefore, if cloture is not invoked at 2:15 p.m., there will be a second vote on Wednesday. Hopefully, cloture will be invoked today, and the Senate can begin consideration of this important bill.

I note again, this is debate on the motion to proceed on a bill that seems to me we would certainly want to pass in short order to provide some basic protection for volunteers who serve on boards of charitable organizations, volunteer organizations. That is the spirit of what we have seen in Philadelphia for the last 3 days, and yet, if you volunteer in America, you run the risk of being sued. Maybe we can work out some of the concerns that lawyers may have about this bill. But it seems like it is the fair thing to do.

We have other work we need to do. I am sure Senators would like to turn to the supplemental appropriations bill as soon as possible. We hope that bill will be ready for consideration Wednesday or Thursday, but we have to dispose of the Volunteer Protection Act first. There are other concerns that we think need to be addressed. So we will be working with the minority leader to see if we can come to some agreement

on how we can conclude these very important pieces of legislation.

I yield the floor, Mr. President.

### VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

Mr. LOTT. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time between 9:30 a.m. and 12:30 p.m. shall be equally divided between the Senator from Georgia [Mr. COVERDELL] or his designee, and the Senator from Vermont [Mr. LEAHY] or his designee. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, just for clarification, we are debating, in essence, whether the other side will allow us to move to the Volunteer Protection Act. That is the beginning of something we describe in the Senate as a filibuster, an attempt to block consideration of the Volunteer Protection Act.

I will take a moment just to describe the cast of characters here. What we have is a community that can perhaps be best described as Little League baseball that is trying to find relief from our current litigious society because they claim and can substantiate

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that it is having a chilling effect on the volunteer community.

We have a number of legislators—myself, Senators MCCONNELL, ASHCROFT, SANTORUM, and others—who have tried to frame legislation under the Volunteer Protection Act that would protect the unique creature of a volunteer in America. We have some trial attorneys who are apparently objecting to even these limited reforms to protect volunteers and their participation in what makes America so good.

The Volunteer Protection Act of 1997 is a bill, first to describe it in general terms, to provide certain protections to volunteers, nonprofit organizations, and Government entities from lawsuits based on activities of the volunteers. The findings are that potential volunteers are deterred from offering their services by the potential for liability actions against them; that many nonprofit organizations and Government entities that rely on volunteer service are harmed by the withdrawal of volunteers from boards of directors and other service; and that this, therefore, diminishes the contribution of these programs in this most important time in our history, of volunteer activity on behalf of communities and, therefore, our nonprofit organizations have fewer programs and they are experiencing higher costs.

The purpose of the Volunteer Protection Act is to promote the interests of social service programs beneficiaries and taxpayers by sustaining programs that rely on volunteers, by helping those entities, those organizations that encourage voluntarism in America.

This would reform the laws to provide liability protection for volunteers serving nonprofit organizations and Government entities. It would put a limitation on the liability for volunteers. No volunteer of a nonprofit organization or governmental entity would be liable for harm caused by the act or omission of the volunteer. It has certain protections, of course. The volunteer must be acting within the scope of his or her responsibilities in the organization. If required, the volunteer must be properly licensed, certified, or authorized in the State where the harm might have occurred. There is no protection for volunteers if harm caused was willful or criminal misconduct, if it was gross negligence or reckless misconduct.

The legislation does not affect any action brought by the organization itself against a volunteer, and it does not affect the liability of the organization itself for harm caused to any person.

Mr. President, in the area of punitive damages—this is an area of the law that goes beyond just direct costs and deals with punishing someone—punitive damages are awarded to punish or deter misconduct by a defendant, as opposed to compensatory damages awarded to pay the plaintiff for harm that he or she has suffered.

In this legislation, punitive damages may not be awarded against a volun-

teer, nonprofit organization, or government entity for harm caused by a volunteer without clear and convincing evidence that the harm resulted from willful or criminal misconduct or gross negligence.

No protection for volunteers or organizations for misconduct that constitutes a crime of violence, a hate crime, a crime that involves a sexual offense or a civil rights violation, or where the defendant was under the influence of drugs or alcohol. The legislation offers no defense or protection in these critical areas.

The legislation deals with liability for noneconomic loss. Noneconomic losses are such things as physical and emotional pain or suffering, inconvenience, mental anguish, or injury to reputation, et cetera.

The legislation requires liability for noneconomic losses to be proportionately assigned and paid by each defendant. So it is therefore abolishing joint and several liability where any defendant can be required to pay the whole judgment even if the defendant were only minimally involved or at fault.

The legislation, Mr. President, recognizes the State role in these affairs. It would preempt State law to the extent that State laws are inconsistent with the Volunteer Protection Act. But it does not preempt a State that provides greater protection for volunteers or any category of volunteers performing services for a nonprofit organization or governmental entity or for the organizations themselves.

A State, Mr. President, may elect to have the Volunteer Protection Act not apply in cases where all parties are a citizen of that State. So, in other words, it can elect to opt out from under this national law if it is a circumstance that involves just citizens of their State. To opt out, the State must declare its election to do so in a freestanding bill.

The Volunteer Protection Act would take effect 90 days after the date of enactment, and it applies to any claim filed on or after the effective date regardless of whether the underlying harm or the conduct that caused the harm occurred before the effective date.

Mr. President, you cannot see this, but this is two complete pages of the kinds of institutions that are asking for national policy to protect the natural resource, the Nation's resource, that are represented by the American volunteer. It ranges from the Air Force Association—which reminds me of a vignette, Mr. President, that occurred over the weekend.

I do not know if you can see this jagged scar above my eye here, but in running to get out of the inclement weather in my home State, in the middle of the State, I was jumping into an automobile owned by the U.S. Air Force, and misjudged and hit the corner of the door—it made for a rather interesting moment or two—and the first words from my Air Force companion were,

“Gosh, I hope you're not going to sue the Air Force,” which I have no intention of doing.

But it sort of reminded me of that. The first organization is the Air Force Association. And there is the American Camping Association, American Diabetes Association, American Hospital Association, American Red Cross, American Symphony Orchestra League, American Society of Association Executives, the B'Nai B'rith International, Big Brothers and Big Sisters, Boys Club, Little League, which I mentioned a moment ago, the Lupus Foundation of America, the National Association of Towns and Townships, the National Council of Jewish Women, the National Crime Prevention Council, the National Easter Seal Society, the National Military Family Association, the National PTA—and the list goes on.

Just to restate the nature of what these organizations are saying and the appeal they are making, it is well documented in a letter to me dated April 22, 1997. I want to read it again. It is directed to me from the office of the president and chief executive officer of the National Little League Baseball, Inc., from their international headquarters in Williamsport, PA.

Dear Senator COVERDELL: On behalf of the 1,000,000 annual Little League Baseball volunteers, I am writing to express Little League Baseball's support for the “Volunteer Protection Act.”

Little League Baseball, played in 6,800 communities in all 50 States, exists today with volunteerism as its foundation strength. Each year this corps of 1,000,000 adult volunteers, mostly mothers and fathers who consider Little League as a healthy activity which strengthens families, give freely of their time to provide an athletic arena in which their children will learn valuable leadership lessons. To let this volunteer spirit erode or be eliminated through frivolous and expensive litigation would be a grave injustice to the present and future generations.

The time is now to reduce the chilling effect of liability exposure for those who [would] donate their time and services to Little League Baseball or any non-profit, charitable institution. If protection from nuisance suits is not provided, every community is at risk of losing those very people whose community service will mold the leaders of tomorrow.

We thank you and your colleagues for giving this important issue the attention it needs.

Sincerely, Stephen D. Keener, President and Chief Executive Officer.

Here is a letter dated April 15, directed to me from Gordon Banks, who is the executive director of the American Industrial Hygiene Association.

On behalf of the American Industrial Hygiene Association, I am pleased to convey our support for passage of . . . the “Volunteer Protection Act of 1997.”

AIHA is the world's largest association of occupational and environmental health professionals. The membership of AIHA, nearly 13,000 members, comes from government, labor, industry, academia and private business. You would be hard-pressed to find a more diverse, professional organization dedicated solely to the prevention of workplace

fatalities, injury, and illness. AIHA's goal is to bring "good science" and the benefit of our work place experience to the public policy process directed at worker health and safety.

Enactment of [the Volunteer Protection Act] would be of great benefit to AIHA.

This is testimony of John H. Graham IV, who is the chief executive officer of the American Diabetes Association on behalf of the American Society of Association Executives and the National Coalition for Volunteer Protection. This testimony, Mr. President, was before the House Judiciary Committee on April 23, 1997. This gentleman says that:

... on behalf of the American Society of Association Executives, an organization representing more than 23,500 individuals from more than 11,000 national, state and local trade and professional associations. As a member of the ASAE's board of directors, I can report that these associations are completely dependent upon volunteers who serve on their boards and committees and who perform direct service functions. ...

The National Coalition for Volunteer Protection continues to coordinate and generate support for the passage of volunteer protection legislation. As of April 18, 1997, this coalition represents more than 300 national, state and local volunteer-dependent groups. These groups collectively utilize tens of millions of volunteers.

He goes on to say:

We have seen recently that otherwise qualified and willing individuals are withholding their services out of fear of liability and confusion concerning the different volunteer protection laws on the books in many states. These are individuals who would help house and feed the homeless, who would treat and support the elderly, and who would clothe and care for the poor.

In his statement he cites a study done in 1988, a Gallop study. He says:

The study, "The Liability Crisis and the Use of Volunteers by Nonprofit Associations," was released by the Gallop Organization in January 1988. The study was sponsored by the American Society of Association Executives and funded by the Gannett Foundation. The study concentrated on director and officers liability. The results of the study revealed very interesting data on the effect of this crisis on direct service volunteers. According to the study:

Approximately one in ten nonprofit organizations have experienced the resignation of a volunteer due to liability concerns. If this figure were multiplied by the number of nonprofit organizations in America (600,000), then it would mean that 48,000 volunteers would have been lost during the past few years strictly due to liability concerns. Remember: these volunteers resigned. Resignation is a very drastic measure.

One in six volunteers report withholding their services due to fear of exposure to liability suits.

On that point, Mr. President, when we had a press conference in the House several days ago, it was attended by a very famous athlete with the Washington Redskins, Terry Orr, who remembered when he came to play for the Washington Redskins that it was a common practice for the senior members of the team to come to the rookies and say, "We need some help with this Boy's Club or another organization generally dedicated to youth and

youthful activities." When it came his turn—he was no longer the rookie—he was going to the rookies and asking for support to get these famous role models before young people right here in the Nation's Capital City. And to his surprise, Mr. President, he was shocked that it was not, as in his day, the response, "Well, where do we go and what Saturday morning is it?" The response was, "What's the liability coverage and what is my risk and what kinds of forms do I have to complete in order to participate?" And, "I'm not sure that I can afford to do this kind of thing."

This is a dramatic change of events and a chilling experience that robs people of all walks of life, indeed, of an opportunity to be helped by the unique volunteer spirit that we know in America.

Mr. President, I see we have been joined by the other side on this issue. As I understand it, we have from 9:30 to 12:30 equally divided. I yield to the other side at this point.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Chair will observe the time between 9:30 and 12:30 is equally divided between the Senator from Georgia and the Senator from Vermont. The Senator from Vermont has 84 minutes remaining on his time. The Senator from Georgia has 64 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, like many who have volunteered for everything from helping out libraries to volunteering on law enforcement matters, I support the idea of voluntarism, but I oppose the motion to proceed to immediate consideration of S. 543. The merit of this motion seems solely to be the fact that this may be an opportunity to jump aboard the train of the Philadelphia summit on volunteering in America.

I applaud President Clinton, General Powell, President Bush, President Carter, Mrs. Reagan, and others who were at the summit on voluntarism in Pennsylvania. I hope it will encourage people to continue beyond the time of the weekend.

We also have some things we are supposed to do in this body. We are supposed to pass a Federal budget. You and I, Mr. President, are required by law to file our income tax returns by April 15. If we do not, we get a knock on the door from the IRS. We are also, as Members of the Senate and Members of the House, required to pass a budget by April 15. The determination of when we start on a budget resolution is determined by the Republican leadership of the House and the Republican leadership of the Senate. Today is April 29 and they have yet to schedule 12 seconds of debate on the budget that the law requires us to have by April 15.

We have a number of members of the President's Cabinet and subcabinet

that we cannot get 18 seconds of debate on, or to vote on them. We have 100 vacancies in the Federal courts. We have only found time—between a number of vacations this year—to confirm two members of the court, even though the Chief Justice has said that the vacancies have created a crisis in the courts of this country.

Now, America's 93 million volunteers, in the spirit of altruism, should get better treatment than to be used as unwilling partners in a partisan publicity stunt as a way to come up with the fact that the Senate is not doing the work the law requires us to do, the responsibility that we dictate we do. Instead, we have this.

Here we are, 2 weeks after the Senate missed its deadline to consider the budget, the legislative schedule again stretches before us as a vast desert of inactivity, but now in the vapor, also like a mirage, coming out of the desert, comes this bill.

Now, why was this particular bill suddenly brought to the floor without any notice, without any hearings, without a committee report? Why was careful scrutiny of this bill avoided by short circuiting the normal process of bringing bills through committee and to the floor of the Senate? Why is this bill being tendered to the Senate and the public like a stowaway, opportunistically cloaked in the camouflage of the week—voluntarism?

Mr. President, the answer is that this is a bill whose flaws would come to light under the scrutiny of our regular order. If we actually had 20 minutes of hearings, if we actually had a committee report, if we actually had a debate, we would find out the flaws.

Now, a commendable bill in the other body, which more precisely and thoughtfully addresses the issue which S. 543 purports to address on liability and volunteer work, has been introduced by Congressman JOHN PORTER. The Porter bill is being publicly examined through committee hearings, as it should be, and it is a better bill for the examination it is receiving.

The events this weekend in Philadelphia and for much of the rest of this week are a tribute to the spirit of American voluntarism. It is a magnifying glass that will help spark intensified efforts by all Americans to be better citizens and better neighbors; citizens who will be more willing to give of themselves to make life better in our communities and our Nation. The events in Philadelphia this week are designed to be nonpartisan and inclusive of the interests of all.

I mentioned those who were there, and I want to express again my gratitude to President George Bush and Barbara Bush for their longstanding leadership in this cause. I remember Mrs. Bush reading to children when they were at the White House and the example that set. It is time to recognize the personal commitment of Jimmy and Rosalynn Carter with Habitat for Humanity. They have gone out

and worked and actually built houses for people to live in. They have done work around the world. It is time to heed and welcome the calls to action by national leaders such as Gen. Colin Powell, who, by his own life, set such a fine example to appreciate the vision of President Clinton and our First Lady. We see the President, even with his leg in a cast, hobbling over to set an example of helping.

We should all look forward to the results of the summit, and we should pledge to work in a bipartisan way to consider any recommendations—any recommendations—for legislation that may emerge from this national forum and accept the example of President Clinton and President Bush, of President Carter and Mrs. Reagan, of General Powell and others, to act in a non-partisan fashion.

By contrast, the motion by the Republican majority to move to immediate consideration of S. 543, a bill rushed into the hop only days ago, reflects none of the spirit and instead actually is a narrow, partisan effort. Again, we find the Senate ignoring its own duties and responsibilities. We find the Senate ignoring the April 15 date, which by law required the leadership to bring forward a budget resolution. We ignored our duties and responsibilities to confirm Alexis Herman as the Secretary of Labor. We have ignored our responsibilities and duties and allowed this lengthening backlog of judicial nominees to the Federal court—now almost 100 vacancies—in order to tell some others what they should be doing and how.

This time, what the majority in this body, the Republican leadership, has targeted are the legislatures of the 50 States. What the Senate is trying to tell the State legislatures is that they do not know how to do their business. Big Daddy is right here in Washington. We will tell you how to do it better. Frankly, that might not go over too well with the legislature in Vermont, and I hope it will not in Kansas, Georgia, or anywhere else. Over the last several years, the States have considered and passed a variety of statutes to provide protections they determined advisable to encourage and protect those who volunteer or work for charitable organizations.

In 1990, President Bush endorsed a model State law to protect volunteers from legal liability, but he did it the right way. President Bush said, "Here is a good law, here is a model law, but we are not going to impose it on the State legislatures. We in Washington are not going to tell the people of Missouri, Georgia, Vermont, Kansas, or anywhere else, how you must do it. We will make the suggestion but your own legislature can make that determination."

Amazingly, for once, the Senate of the United States or the House of Representatives was not trying to tell them what they had to do. They were delighted, and they endorsed it. Since

1990, when President Bush made what I thought was a very sensible call, and one I encourage, State legislatures across the country have moved to protect volunteers through enactment of State laws, not something imposed on them from Washington, but something they designed within their own States. At least 44 of the 50 States have enacted some form of volunteer protection from liability. But even though those 44 have been active, we want to come rushing in, with no hearings, no debate, no discussion, no consideration by the States or anything else of legislation, and we say, "Tough luck, your legislatures do not count. Here we are. We will tell you what to do."

Why does the Senate of the United States need to take up and pass Federal legislation on this subject on an emergency or expedited basis when we cannot even do the work we are supposed to do? We cannot even get the budget here on April 15 like we are required. We cannot confirm judges. We cannot do anything we are supposed to do. Why are we proceeding to a bill that was only introduced days ago? Why are we proceeding without any hearings or committee consideration? Why are we being forced to proceed without the benefit of a committee report, without an opportunity to study the recent actions of our State legislatures? Can we at least look at what legislatures do before we hit them over the head and tell all these States, "You are not smart enough to do this. We are so much smarter than you are."

Do we really want to do that when we have not even had 12 seconds of hearings on this bill? Why is the Republican leadership demanding the Senate consider a law to override the laws of each of our State legislatures designed to protect volunteers and charitable organizations in our States? Why are we being told to just wipe out all the things the State legislatures have done to protect volunteers in their States? The States of Vermont, Georgia, and many others, for example, have already provided protection for directors and officers of nonprofit organizations from civil liability. Do we, in the U.S. Senate, intuitively know better than our State legislatures what is needed?

Do we know whether the better approach is to require indemnification or mandate insurance or provide limited immunity or help properly to structure acceptance of limitations of liabilities so that State law can serve to encourage charitable efforts without leaving innocent citizens to suffer from wrongful conduct without legal recourse? Have we developed any kind of a record—a page, a paragraph, a sentence, one itchy-bitsy tiny word—on which to justify such a legislative judgment or to justify Federal intrusion into areas that are traditionally matters of local concern? Of course not.

For a group whose rhetoric is about reducing the role of the Federal Government and returning power to the States, the Republican Senate seems

awfully sure it knows better than anyone else what the States should pass to encourage local volunteers. You go home and give a speech to the local Rotary Club and say, "We want to give the power back to the States. We want the people to make these decisions; however, we know better than you in the long run, so we will pass this." For a group that criticizes others for acting as if Washington has solutions to every local problem, the smell of cherry blossoms seems to have gotten to someone.

I do not know what is wrong with the partial immunity and limited liability laws passed in Georgia, Kentucky, Michigan, Pennsylvania, or Missouri. I have not seen convincing evidence that vast punitive damage judgments exist to a significant factor in voluntarism, yet we are about to enact a Federal law regime to alter State law and State common law traditions in one ill-considered swoop.

At least when we considered Senate Joint Resolution 22, the independent counsel resolution, it was only a patently partisan sense-of-the-Senate resolution. It was inappropriate. It demeaned the Senate. But it did not strip rights from individual Americans.

At least when we considered the substitute for the Taxpayer Browsing Protection Act on April 15 to distract from the Republican leadership's failure to produce a Federal budget by that statutory deadline, we at least had previously considered and passed the National Information Infrastructure Protection Act, we had a GAO report noting the continuing problem of IRS employees snooping into confidential tax records, and we limited our action to a Federal agency.

At least when the Senate discharged the Judiciary Committee from any consideration of S. 495 and engaged in an artificially abbreviated discussion of its provisions in order to get to debate on the Chemical Weapons Convention, it did so knowing that we would have an opportunity to reconsider and correct it in the context of implementing legislation for the chemical weapons treaty, and at least it concerned Federal law, not State law. But this matter is different. It is not a sense-of-the-Senate resolution. It is not about a Federal agency or a Federal law or a Federal law problem. Instead, it is a repudiation of federalism and the primary role of the States in defining liability laws for local activities. It can have serious repercussions. When we just slap down the States like that and say they don't know enough to do these things, so we will do it for you, we ought to at least consider it substantively.

There is a slight procedural twist in S. 543. It is technically not being discharged from the Senate Judiciary Committee because it wasn't referred to the committee at all. On April 9, the same group of Republican sponsors introduced the same bill twice, held it on the Senate calendar and allowed the identical twin to be referred to the Judiciary Committee as S. 544. I guess

Chairman HATCH and I did not jump quickly enough for their purposes. They get impatient after less than 3 weeks, and here we are on the floor with this ill-considered legislation and, again, we ignored the statutory date to get important legislation out, like the budget, on April 15.

Now, of course, I did have a chance to read the bill over the weekend. That is a lot bigger opportunity for deliberation than was afforded the Senate when we voted on a substitute version of S. 495 the same afternoon it was offered. So we in the minority are grateful to actually have a chance to do our job.

I want to point to a couple of problems. I wish to alert the Senate to several aspects of the bill. It may not be apparent from the statement of the sponsors. First, this bill is misnamed. It ought to be called the Ku Klux Klan Protection Act. That is as good an example as any of the nonprofit, "volunteer" organizations that will be the principal beneficiaries of premature consideration of this legislation. The bill's definition of "nonprofit organization" is overly broad and unnecessarily so. If we had had a hearing—something that apparently we no longer do in the Senate; we just bring bills to the floor—do you know what we would have found out about this bill, Mr. President? This bill is going to be supported, I assume strongly, by the Ku Klux Klan, because if you look at the web page of the Ku Klux Klan, look what they say on it: "The Knights of the Ku Klux Klan are a noncommercial, nonprofit, volunteer organization." And when we knock down all the State laws by passing this to give immunity, who are we giving immunity to? Noncommercial, nonprofit, volunteer organizations like—oh, I don't know, maybe the Ku Klux Klan. Well, if we had had 20 minutes of hearings on this bill, we might have known that. Isn't this special? In rushing this sucker through, we rush through something that wipes out State laws and imposes our feelings and our judgment to protect noncommercial, nonprofit, volunteer organizations like "the world's oldest, largest, and most professional whites' civil rights organization, the Knights of the Ku Klux Klan."

Mr. President, look at the picture taken off of the web page of the Ku Klux Klan: "The world's oldest, largest, and most professional whites' civil rights organization \* \* \* a noncommercial, nonprofit, volunteer organization." But no matter what kind of laws we might have in Vermont or any other State, this bill would wipe those laws off the books and give them protection.

I am not suggesting for one moment that this is what the sponsors of this legislation want to do. There is not a single one of these sponsors of this legislation that want to do something to protect the Ku Klux Klan. I think we all know that. But what happens, Mr. President, is that we just rush legislation through because it sounds good

and fits in for a good political sound bite for the day, and we haven't had any hearings, haven't done any of the work the Senate is supposed to do. This is what happens—something like this comes slipping through. This is why I oppose this moving forward like this.

This bill has been so hastily drafted as to provide legal protection to the Ku Klux Klan and its "volunteer members" as well as to all 501(c)(3) tax-exempt organizations under the Internal Revenue Code and to an untold variety of not-for-profit organizations.

Who is to decide which groups qualify for limited liability under such a definition? Is it a matter for the organization to declare in its purposes, such as when the Ku Klux Klan declares itself to be a "noncommercial, nonprofit, volunteer organization"? Is this a matter for the State courts to decide, or is it a Federal question that will be reserved for Federal courts to determine on a case-by-case basis? Is it a matter for the organization to declare its purpose, such as the Ku Klux Klan does when it designates itself to be a noncommercial, nonprofit, volunteer organization? Do we want Government to decide whether the organization's activities are such that it should be held to be engaged in "civic" or "educational" purposes? Are the State legislatures expected hereafter to pass lists of qualifying or nonqualifying groups or activities? Consistent with the first amendment principles, can Government be directed to make judgments on liability based on the political orientation of the group? Should the group on the left be allowed and a group on the right not be allowed, or vice versa? For that matter, how are State legislatures constitutionally permitted to make case-by-case determinations that avoid the constraints of this Federal preemptive statute, such as required by section 3(b) of S. 543?

I, for one, don't believe victims of hate groups should have to overcome the Federal law immunities that would be created by this bill in order to recover damages done to them. I don't think that somebody who wants to recover damages caused by actions of the Ku Klux Klan against them should have to overcome the prohibitions of this bill. Nor do I believe it is our job to encourage "volunteer" members of the KKK, street gangs, or violent militias, all of which might qualify for not-for-profit and nonprofit organizations under S. 543.

The overly broad definition of nonprofit in S. 543 might also shield many hospitals from legal liability for actions involving a volunteer. If a not-for-profit hospital uses a volunteer to take down patient information during the admittance process, or to wheel a patient down a hallway, should that hospital be shielded later from liability for medical malpractice? Do we really want to close off remedies for medical malpractice because a hospital used a volunteer and, thus, is insulated under this?

I don't know that victims of malpractice in not-for-profit hospitals need to overcome special federally imposed immunity rules to recover for their injuries and pain and suffering. In fact, for that matter, I am unaware of a rush to suits against volunteers or any circumstances that cry out for Federal preemption of State law on this subject. We don't have a mess of suits against volunteers going on around this country, where the States are saying: Please come in and save us from ourselves. You can do our jobs so much better than we can. You know so much better. You people are so much wiser in Washington than we are in the State legislatures. Please save us from ourselves.

I haven't heard a lot of that. Maybe others have, but I haven't.

When we want to encourage voluntarism to help others, we can do so as we did when we considered and passed legislation to encourage doctors to serve in medical clinics to provide medical services to people who would otherwise do without. Now, that actually helps.

Last year, we enacted a targeted bill to encourage the delivery of food to the poor and needy when we passed the Bill Emerson Good Samaritan Act. It provides food banks to people on the front lines in the war against hunger, with sensible liability protection. We thought it out and did it.

But this bill, S. 543, is not so targeted. I do not understand, for example, why the Republican sponsors insist on forcing victims of negligent driving by a volunteer for any nonprofit and not-for-profit activity to carry a heavier burden and be denied compensation for their disfigurement and pain and suffering. A victim of an auto accident does not care—if they are crossing the street and somebody goes barreling through a red light and nails you, when you are lying in traction in the hospital, you don't really care that that driver was speeding because he or she was late to a PTA meeting, or a meeting of some trade association. But if they are going to a PTA meeting and nailed you, you may not be able to recover. But if they are going to a trade association, you can. This might be enough to exempt the volunteer driver under volunteer in the bill.

Many States have excluded motor vehicle injuries from their laws protecting volunteers. The Senators pushing this through to override what the States think, do they really know better than the State legislatures? What makes them think that the potential of a lawsuit for negligent driving is impeding volunteer activity across the Nation? Is it the potential to be liable like any other driver, a liability that I believe all States require a driver to be insured against, which is so affecting national insurance rates, that the Federal Government has to step in and create a Federal immunity? I doubt it.

I will work with people who want to make a better law. We can do it. We ought to work together to correct the

excesses of S. 543. I believe that nobody wants to exempt the Ku Klux Klan, but that is what the bill does. Why don't we find a way that we can work on something, as President Bush did when he put together a model law and passed it on to the States and said, here, use your wisdom and determine what you need in your State. That sets a better way.

The real volunteer protection act is H.R. 911, legislation introduced by Congressman PORTER. This actually has tripartisan support—Democrats, Republicans, and Independents—and almost 140 House cosponsors. It is endorsed by the American Heart Association; American Red Cross; Big Brothers/Big Sisters of America; Girl Scout Council USA; Little League; National Easter Seal Society; National PTA; Salvation Army; the United Way; American Diabetes Association; the National Coalition of Volunteer Protection, and a whole lot of others.

That bill seeks to respect State prerogatives and State law, and it says we are not going to just pound you over the head in Washington and say that we know better, no matter what you think; we are so much wiser than your State legislatures on whether to impose Federal immunities, preempting State law. It offers financial incentives for States to enact model language for limiting volunteer liability. That makes a lot more sense to me.

If we can achieve the objective in encouraging and protecting real volunteers in direct contact with those who need help, without Federalizing State law, we ought to consider the benefits of that. I know the Democratic leader, Senator DASCHLE, and I strongly support the Porter bill as a substitute to S. 543.

There is no record that our State courts are glutted with liability cases against volunteers. And there is no record that our State legislatures have fallen down on the job and have been ignoring a crisis that threatens voluntarism in our society. Frankly, Mr. President, I am far more comfortable to have the legislature, the general assembly in Vermont determine what makes a good law for Vermont than I am with a law rushed through the Senate with no hearings, virtually no debate. We don't have a Ku Klux Klan chapter in Vermont. At one time in our history, we did. I don't want anything that is going to encourage them to come back.

Indeed, the Wall Street Journal reported last week, on April 23, 1997: "Voluntarism, a classic American solution to social problems, appears to be on the rise." I think we should tread kind of lightly. The States seem to know what they are doing. They usually do. We should tread lightly before we jump in and give them a slap up alongside the head and take over.

This bill doesn't just apply to volunteers. In fact, immunizing the negligent conduct of volunteers is a small part of the bill. It also creates a regime

of governmental entities, nonprofit organizations and not-for-profit organizations that changes the laws in our 50 States whenever a claim for personal injury is based on the action of a volunteer.

It would shield myriad organizations from being liable for damages for failing to properly supervise or train or screen their volunteers.

Suppose you say to the volunteers, take the car and drive down and pick somebody up. Are you screened from liability when they run over somebody? If a group that works with young people fails to investigate reports of sexual abuse by a volunteer and several young girls or young boys suffer abuse, should that organization be immune from sharing the damages for the trauma, suffering and psychological scars these young victims would carry with them the rest of their lives? Is that really a Federal immunity we want to pass? If the Senate wants to immunize them from any liability to those children who might be sexually abused, well, then, let us at least have a hearing on it and make that determination. I, for one, am not willing to give that immunity.

The House Judiciary Committee last week held a hearing on volunteer liability. They considered H.R. 911 as a proposal to provide exemptions from liability for volunteers, not the supervisory organizations. I do not perceive the compelling need to extend liability protection beyond such volunteers as S. 543 insists. We should be encouraging, not discouraging, nonprofit organizations to properly screen and train and supervise their volunteers. We ought to have fair and balanced legislation on this.

As a lifelong Vermonter, I am proud and profoundly appreciative of the thousands of volunteers in Vermont, and millions across the country in all our States, whose selfless acts make the world a better place for all of us. The people who spend their weekends preparing dinners for the homeless and the poor, the parents who organize a car wash to raise money for the local PTA, those filling sandbags in flood-threatened areas—these kinds of acts of voluntarism are an essential part of the American social fabric, the kind of voluntarism I learned from my parents growing up as a boy in Montpelier, VT, as so many of the rest of Americans did. Those who volunteer deserve our thanks and encouragement.

I think if we work together on this and actually have some hearings, we can have broad, strong consensus of Republicans and Democrats to give any needed protection and other helpful encouragement to our volunteers. These really are the heroes of America. These volunteers in service organizations are not asking for a free ride, for a license to behave badly. In fact, I imagine many of them, if they read what is in here, are going to be very offended to have any suggestion that they might want something like this. But S. 543

would encourage free rides and licenses to behave badly. Before we needlessly cut off rights of victims of harmful conduct, we ought to consider whether it is necessary or it is desirable.

I think what we ought to do is send this bill on for its normal hearings in the Judiciary Committee. Lord knows, we are not doing anything there to get judges out, notwithstanding our 100 vacancies. We could take some time to take a look at this piece of legislation. Let us do that, Mr. President. Let us not rush something through just because it is volunteer week. I would hate to think if next week became organ transplant week; we might find ourselves all being marched down to the Capitol physician's office to donate an organ before we had any—maybe then we would actually ask for a hearing if it affected us that way. This affects a lot more than 100 Members of the Senate. It affects 260 million of our American citizens, 260 million Americans who have gone to their State legislatures and assume their State legislatures know what they are doing. We are saying to those 260 million Americans, "You do not need your State legislatures. You have us." Well, I do not want us to make this decision without any kind of a hearing.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, in a moment I am going to yield to my distinguished colleague from Missouri, but I want to make a couple of comments regarding the remarks of the Senator from Vermont. I have long worked with the Senator from Vermont on issues relating to voluntarism in the Peace Corps when I was director. But I have to say to him that evoking the Ku Klux Klan is something I would not have expected from him. It is demeaning. It is an inaccurate portrayal of the legislation. There is regional arrogance in the context of the Senator's statement, and I do not appreciate it.

I will read to the Senator the exact sections of the bill.

Section 4(f). Exceptions to Limitations on Liability. The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply to any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(5) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

I refer the Senator to:

Section 6(4) Nonprofit Organization. The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under 501(a) of such code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare or health purposes.

Mr. LEAHY. Will the Senator yield for a question on that point?

Mr. COVERDELL. I do not yield just yet.

Mr. President, I might also say that the organizations to which the Senator from Vermont alluded, Little League and others, are supporting this legislation before the Senate, or hope to if we can get it before the Senate, if we can get it over the cloture and the filibuster that is being conducted by the other side. These organizations hardly constitute a force in our society of evil or ill repute.

Mr. President, I would like to yield at this time my time to the Senator from Missouri.

Mr. LEAHY. Will the Senator yield for a question on my time?

Mr. COVERDELL. I do not yield at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I am pleased to have this opportunity to address this problem. It is a problem that challenges the capacity of individuals in our culture to share with each other and to help one another. The fact that there are proposals that relate to this, in addition to this proposal, from a wide variety of perspectives, demonstrates that this is not an effort to address something that is not a problem.

Let me just give you a couple of examples of how this problem has manifested itself and what are the effects. First of all, I will give you some of the general effects. The Gallup organization conducted a survey entitled: "The Liability Crisis and the Use of Volunteers of Nonprofit Associations." What did the Gallup organization find? Approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. One in six volunteers was reported to have withheld services due to a fear of exposure to liability suits.

Now, the question is, do we need more volunteers in our culture or do we need less? Our current system is stopping 18 percent of volunteers from doing some volunteer activity and resulting in 10 percent of the organizations having people resign from their boards of directors.

I might also indicate that mention has been made that some of the States have provided some protection for volunteers. I find it ironic that about half of all the States which provide protection do so only for the guy on the board of directors or the person at the top of the organization setting policy. The person who is the silk stocking guy in

the boardroom gets protected, but the fellow out there on the field, the Little League coach, is the guy against whom the big judgment is rendered.

Our question has to be, are we going to tie the hands of the person who is actually going to deliver the help while we provide some cocoon of protection to the fellow in the boardroom? Or are we going to say to the average citizen, you can afford to get involved in your community without putting your house on the line, without jeopardizing your children's college education. You can afford to help the Little League because we are not going to make it so that you will be sued when someone does not catch a fly ball. You might laugh and say, wait a second, getting sued because a child doesn't catch a fly ball? I wish it were not so true.

Let me refer you to a 1982 case, and this is one of the first cases that started the run of liability cases against volunteers. In Runnemede, NJ, a Little League coach volunteer was sued because he repositioned his Little League shortstop to the outfield, and in the outfield the Little League shortstop misjudged a fly ball and sustained an eye injury.

A suit was filed on the allegation that the 10-year-old youngster was "a born shortstop" but not an outfielder, and the courts found the volunteer coach negligent. Over the next 5 years, liability rates for Little League baseball in that area went up 10 times—1,000 percent.

Here is another example. We are talking about real people, real folks who get up in the morning early, work hard all day, sometimes take time off their jobs to go out and volunteer to help the kids of America, some of the kids without moms or dads or who do not have time to help children, kids who need positive role models, and here is what we do to them. A boy in a scouting unit with the Boy Scouts of the Cascade Pacific Council—a national problem, Runnemede, NJ, on the one side of the country, Cascade Pacific Council on the other side. A Boy Scout suffers a paralyzing injury while playing in a touch football game. I remember being a Boy Scout. Touch football was as mild as the supervisors could possibly make it. We wanted to play tackle football or flag football, but touch football was a part of the curriculum we had to play.

A boy gets injured. What in the world happens when the volunteers are found personally liable for \$7 million? What would a \$7 million judgment do to your capacity to send your kids to college if you were the volunteer? What would it do to your capacity to have the kind of life you wanted? We are not making it difficult for volunteers; in many instances, we are saying to them, you cannot volunteer.

Frankly, this is not something any of us intend. This is not a partisan issue. This is an issue of compassion. It is an issue about the character of America. When Alexis de Tocqueville came to

America—and they are having a wonderful series on de Tocqueville on C-SPAN; they are following his steps that he took across America 150 years ago—he talked about the greatness of this country, and he said greatness in America is not governmental. Greatness is not a matter of the law of this country. It is a matter of the people of this country. America is great because the people are good. But that was at a time when there was such a thing known as charitable immunity, when charities were simply held totally immune, so that if people were going to charities to get help, they got what help they could, and if a mistake was made or an injury, that is the way it was.

Now, we are not asking that it be restored to that condition. But we are saying that, when a volunteer, someone who is giving of her time or of his time, when they are giving that time generously and they are trying to help the Boy Scouts, they should not end up with a \$7 million judgment.

I should add a correction. In that case, the judgment was reduced to \$4 million by the courts. That would have been a great comfort to me and my family. We would not come any closer to paying a \$4 million judgment than we would a \$7 million judgment. The system, though, rewards those who try to help the youngsters with that kind of legal liability. The system is broken in that respect. If we want America to be great, it will be not because we have a governmental program that will fix everything. But we, at least, need to release the energy available in the American culture that comes from volunteers.

I indicate, as well, that the bill, which is being filibustered by the other side, is not a bill that relieves organizations of all their responsibility. This is a bill that relieves the volunteer of responsibility for economic damages that are suffered by individuals who are injured through simple negligence. Economic damages still can be recovered against the organization, but the fellow who works all day and works hard to keep his family together and sometimes takes a little time away from his family to help the rest of the world should not find himself looking down the barrel of a \$4 million judgment because he has been a good Scout leader. And unfortunately that has happened too frequently.

Here is another example. From the Richmond Times-Dispatch, November 4, 1995. A Red Cross volunteer in Virginia "was driving a woman to a medical facility for routine care." I have volunteered for the Red Cross, done Meals on Wheels and things like that. "The Red Cross-owned car was involved in a collision and the passenger was injured. She later died from causes unrelated to the crash. But the administrator of the woman's estate sought judgment against the volunteer and alleged that he negligently operated the vehicle."



We should not have people being hauled into court on things like that. The fact is that these volunteers are being asked to defend themselves.

Here is an interesting fact from the Washington Times, a May 2, 1995, article.

"A Legal System That Fails the Test of Charity," was the headline. "A Washington, DC, area Girl Scout council reports that it must sell 87,000 boxes of Girl Scout cookies each year just to pay for liability insurance." The first 87,000 boxes of cookies do not provide any help to any girls, do not provide any assistance, do not provide any of the reinforcement that these kids, without many of the benefits that you and I enjoyed as children, need. The first 87,000 boxes of cookies have to go to carry the liability insurance.

"We have no diving boards at our camps," the executive director said. "We will never own horses. And, many local schools will no longer provide meeting space for our volunteers," because of the liability crisis as it relates to volunteers.

Here is an interesting item from the Washington Times, May 1995. "A Legal System That Fails the Test of Charity," again.

The Junior League in Evanston, IL, discovered a few years ago that, to set up a shelter for battered women, they would have had to go without liability insurance for three years. No directors would serve under these conditions, and the plans for the shelter were shelved.

We need people to drive people to the hospital for the Red Cross. We need the Junior League to help sponsor shelters for battered women. We need Boy Scout volunteers that will not operate under the threat of \$4 million judgments against them and the assets of their families. We need Little League volunteers who have the ability to ask the kid to play left field instead of shortstop, in spite of the claims of the child's parents that the child is a born shortstop and not an outfielder.

We simply have to create an environment in this country where we do not rely on the Government for everything. And, in that context, we have to free up the energy of the goodness of the American people and not ask them to operate under the threat of judgments that would deprive them of their homes, their families' well-being, and their capacity to send their children to college.

Americans are sacrificial people. They are willing to give you the proverbial shirts off their backs. But we should not make it a situation where, if they give you the shirt and you do not like the shirt, you can sue them and take their house and deprive their kids of an opportunity to go to college. That is too much. It is too much to ask of these generous volunteers. And our system of Government simply needs to provide a little protection, a framework in which people can operate in decency and can beneficially extend themselves, one to another. The idea

that somehow America is automatically good and the Government can handle all this stuff is a bankrupt concept. We understood that in the debate last year over welfare reform. We saw the kind of miserable response that has come from this culture to welfare. We were intensifying problems. The problem was growing rather than slowing.

If anything is going to help us recover, it will be our understanding that we can help each other. But we will have a hard time helping each other if we make it a condition of volunteering that you put your family's well-being on the line and you look down the barrel of that \$4 million cannon every time you want to go and help a few Boy Scouts. That is why I think it is so important to have a discussion of these issues and to act on these issues. It is high time we do so. It is a matter in discussion in this country and has been a matter of public debate. This is not a surprise.

There are bills on the issue of voluntarism in both the House and Senate. Frankly, S. 543, Senator COVERDELL's legislation, is outstanding legislation designed to relieve the volunteer of liability. This bill does not relieve organizations of liability for economic damages. I find it troublesome to have it suggested that this bill is designed in some way to relieve the Ku Klux Klan from consequences against the organization for criminal acts, or acts that would somehow disparage the civil rights or dignity of Americans. It is simply not so.

I wonder if there are not any good arguments against this legislation when the only arguments that come up against it are arguments which do not hold water and which are designed to go to the most base emotions within us.

When we are talking about making it possible for Americans to help other Americans, it is particularly troublesome that in order to disrupt this discussion we try to talk about Americans hating other Americans. We should be careful never to do anything to promote hate. It would be a terrible thing if we allowed those who suggested that we were doing that to impair our ability to provide a framework in which people could promote love and care and concern. One of the real values of volunteer activity is what it communicates. When you get something from the Government you do it because you are entitled to it, so you take it. But when you get something from your neighbor you know that he or she cares for you and loves you. And that mutual sense of concern is what builds community. It is what binds us together; it is not what tears us apart. We are talking about providing a context for people to demonstrate a sense of community.

Two hundred years ago John Donne said it as eloquently as anyone has ever said it in his sonnet, on the fact that no man is an island. He said, "No man is an island." He started out saying we are all in this thing together.

We are not by ourselves. And he ends his sonnet:

... never send to know for whom the bell tolls; it tolls for thee.

And, in America, we have that sense. It is unique to America. It is what makes America what she is and what she will be in the future. And it is not that we want to try to promote organizations that would teach us to hate one another. This bill is designed and crafted and drafted to promote opportunities for people who want to demonstrate that they care for each other and respect one another.

The hyperlitigious nature of our civil justice system is creating a barrier, though, between the desire of Americans to help others and their ability to do so. It is empirically established. The data is there: The resignations from the boards of directors; the reluctance of volunteers to do what they wanted to volunteer to do; one out of six volunteers say they withhold services; the absence of programs that can no longer be offered; the program for battered women in Evanston that the Junior League wanted to have. You do not have diving boards at the camp. You do not have horses at the camp.

We must free this energy in America, this impetus that says I love you and I care for you and I would like to be active in helping you but I cannot afford to risk everything I own and have, and my children's education, to do so. I would like for that desire to be fostered and lifted up, and we ought to fan that ember of hope for America and we should not douse it.

So I believe we need the Volunteer Protection Act of 1997. I am proud to join as a cosponsor of this legislation. It will reinstate reason. It will reinstate rationality. It will reinstate certainty and fairness in a judicial system with regard to voluntarism. And I am grateful for that. The Volunteer Protection Act of 1997 covers nonprofit organizations which are defined as those organizations having a 501(c)(3) status, or nonprofit entities that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. And, if any organization is involved in criminal activity, any protection for the volunteer in that endeavor is gone.

The volunteers are relieved of liability for simple acts of negligence, but it does not relieve the volunteer organization from liability for economic damages. This bill establishes a standard for punitive damages so there could not be outrageous levels of damages without high standards of proof. And it eliminates joint and several liability for noneconomic damages. Economic damages are those that you actually have in a monetary sense: The hospital bills, the lost wages and the like. In those settings, there is no limitation on the ability of an injured individual to go against the organization.

This bill does say that the volunteer should not be held responsible unless



she engages in criminal activity or acted in a willful and wanton way. And if that is the case, the volunteer is not protected at all, because we are not interested in protecting willful or wanton activity or criminal activity. We are trying to allow people to say to their communities and to their fellow citizens that we care enough to love you and to share ourselves with you but we do not think we ought to have to risk the entirety of our family or the well-being of our family to do so.

With that in mind, I am pleased to support this legislation. I think, when the President of the United States asks us to engage in volunteering, he calls us to the very best that is in us. He calls us to the character of America, to rekindle a spirit of community which could be lost. He needs to call us, though, in a context which makes our response reasonable and possible. Simply, we are trying to develop a framework for reasonable participation by volunteers, protecting them and their families from a litigious system which has found Scout leaders saddled with \$4 million judgments because of a touch football game; which has found a Little League coach staring down the barrel of judgments because he shifted a boy from shortstop to left field; which has found people in court because they were good enough to drive a sick citizen in their community to the hospital.

I do not think that is the kind of community in which we want to live. We want to live in a place that puts reasonable limits on the exposure and risk to people who are actually giving of themselves so they can afford to extend their charity to others without destroying the future of their own families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, could I inquire as to the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 39 minutes remaining. The Senator from Vermont has 51 minutes remaining.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have listened to the comments of my friends and colleagues on the other side. I wish to recount for the body parts of a conversation I had with the distinguished Senator from Georgia, my good friend, Mr. COVERDELL, during the time when the other Senator was speaking.

I had the pleasure of working with Senator COVERDELL when he was in a

position where he had to go not only around this country, but around the world seeking volunteers and help in some of the most important aspects of life. So I do not question his commitment to voluntarism. He has lived it and done it.

My concern, as I expressed to the distinguished Senator from Georgia, is that this bill came to the floor immediately in this fashion with no hearings. I should note for the RECORD, so there will be no confusion on that, that this is not the decision of the Senator from Georgia or the decision of the Senator from Vermont as to when the bill would come to the floor. That has to be done by the Republican leadership, and I have expressed my concern to the Republican leadership in the past, and will again in the future, that bills cannot come to the floor in that fashion, bills with significant repercussions, with no hearings.

Frankly, I took exactly the same position during the times I served here when the Democrats were in the majority and would determine what bills would come on the floor. I have been very consistent throughout my career in the Senate. If you have a significant matter, something that is going to affect all of us, take time to discuss it before it comes to the floor. We pass resolutions and sense-of-the-Senate resolutions all the time that say, "on the one hand" this, "on the other hand" that, "God bless America." Those can move through quickly. But this is a bill, at least the analysis that I have of it and the analysis of totally nonpartisan lawyers who have discussed it with me, which would, in effect, replace State laws.

I think that the 50 States of the United States should expect no less of the U.S. Senate. If we are going to fetch them a smack up alongside the head and knock their legislative work in the trash can, we ought to at least have a hearing about it and discuss what is involved in it.

I am perfectly willing to work with the Senator from Georgia and others—as he knows we have worked together on so many issues in the past—on a voluntarism bill, on the question, as I did and others did, with former President Bush on volunteers, but in the normal course of events, with discussion. I hope we will not proceed to this bill today, not to kill the bill, not to kill the act, but to send it back, to at least go through the normal process where we actually have hearings.

I have discussed the Ku Klux Klan and others. The Ku Klux Klan has had what I think is a vicious and long history in most States. It did in my State of Vermont during the time my parents were younger, and they saw directly the effect of the hate of the Ku Klux Klan. The church where my parents were married and where they were buried—one of them just a year from this coming Monday—the church where I was baptized had the cross of the Ku Klux Klan burned on its front steps. So

I know the sense that they have, the sense that my mother of an immigrant family recounted to me of how she felt about that, the fear that was driven in to people who spoke a different language, as my mother and her family did, who practiced a religion very much in the minority in Vermont at that time.

None of us in this body, Republican or Democrat, wants to encourage in any way racism or the kind of things that the Ku Klux Klan and many other organizations similar throughout this country stand for. There are exceptions on limits and liabilities, those who have been found to violate Federal and States civil rights laws, and so on.

It is still too broad. If the Ku Klux Klan marches down a street carrying signs, they are not going to be convicted of international terrorism or a hate crime on that, but under the definition in here, they may still well qualify, under their definition, which is under section 6(4)(B):

... any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

Because it does not state who is making these kinds of determinations.

Again, Mr. President, let me make it very clear what my concerns are about this bill. One, it is a major piece of legislation that is on the floor with no hearings, none whatsoever. I understand it is the majority leader who makes that determination, not the Senator from Georgia who was called to be here on the floor and discuss this matter. But we should not have that procedure. We did it once on a major piece of legislation, raising actually worldwide implications on terrorism, a week ago with a bill, a huge bill that everybody voted on, either for or against. I doubt there were three Senators who could honestly say when they walked off the floor of the Senate that they had read the bill, because it was presented to us hours, some of us minutes, before we voted on it. But it affected everything from our international relations to our use of antiterrorism legislation, major criminal codes, treaties and everything else—a very thick bill—and we voted on it. I voted against it because it raised enough of a red flag, even though there were parts of the bill that were verbatim from parts of legislation I had written.

I suppose imitation is the sincerest form of flattery, but not when it is slapped together and handed to you to vote on matters that have major implications, and we whip it through. In fact, I encouraged the press actually to ask Senators who voted on it if they either read it or knew what was in it. To my knowledge, nobody was asked that question. It would have been interesting to hear the answers, because we all knew the answer. Nobody had.

Now we have a similar piece of legislation brought up, hurried, no hearings, and pass it, even though it is

going to override the efforts of our State legislatures. I have heard so many speeches given about "give the power back to the States; let the States make the decisions. So much wisdom resides in the States." Why do we say we are the ones who know what is best for the States? Why not let the State legislatures have the ability to make some of these decisions? And then when we are given that chance, we say, "Not you, not you, State legislature, not this particular one." Actually, this other one, this other one, this other one—actually, not any of the 50 legislatures are smart enough to do the work that the U.S. Senate can do without hearings, without debates and without any kind of a markup on a piece of legislation on the day we come back to work.

Well, Mr. President, those who vote to go forward with this bill, I ask this question of them; maybe their State legislatures, maybe their State press could ask this question: Of those who vote to go forward with this, are you willing to go back to your State legislature and say that on a piece of legislation that overrides their work, you are willing to vote to do that, even though there have been no hearings on this bill, even though there has been no debate in committee, even though there is no report saying what it does? You are willing to on an act of faith, because the Republican leadership said we have to do this this week, because we have nothing else to do, you are willing to override the efforts of your State legislature? I wonder how many Senators are willing to go back home and say that. I am not. I have too much respect for the Vermont Legislature to do that. I think our general assembly can make this determination.

So I encourage my friend from Georgia, and others, maybe we can sit down together and try to put together a good piece of legislation, as the Congressman from Illinois, Mr. PORTER, has done in the other body, to find a way to do this without trampling on our States.

I understand there is some concern in the Republican leadership knowing that all Americans had to file their taxes on April 15 because the law requires it, but the Republican leadership in the House and the Senate did not bring forth a budget on April 15, as the law also requires. Maybe we should talk about other things, and with the sterling example of the President and Mrs. Clinton, of President and Mrs. Bush, of President and Mrs. Carter or President Ford or Mrs. Reagan and others, General Powell, who went to Philadelphia, why not just jump on this bandwagon because, politically, who can be against some idea of protecting volunteers? That is not the issue.

The issue is, do we draw it so broadly that we bring in organizations like the Ku Klux Klan that every single one of us in this body oppose? Do we draw it so broadly that we just knock down our

State legislatures and say, "You're immaterial because we 100 Members of the Senate, in our collective wisdom, know a lot more than you do?" Do we draw it so broadly that we do not think of the rights of all individuals, not just a volunteer organization, but the rights of all individuals? Do we give blanket immunity to organizations we do not intend to, like hospitals and others?

These are questions that should be asked if we have a hearing, but these are the questions that will never be answered if we continue with what I find a very, very disturbing trend in this country to rush major pieces of legislation to the floor with no hearings, no debate and then just ask us to vote on it, especially when we do not have time to fulfill the backlog in the Senate Judiciary on judges. Chief Justice Rehnquist said we have a real crisis because we have about 100 vacancies in the Federal courts, and yet we have only filled two of those in 4 months.

We have taken several vacations, but we have not had time to fill more than two. We have almost a zero population growth in the Federal judiciary. We have not found time to have a minute of debate on the budget, even though the law requires it by April 15. We have a number of other Cabinet officials, from Alexis Herman on, to be blocked. But suddenly we have time to rush forward something that just slaps down our 50 State legislatures, tells them they do not know enough, certainly do not know as much as we do. And we are rushing through with no hearings and no debate. I think we should find a better way to do it.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum. I am sorry, I see the Senator from Georgia on his feet. I did not realize that. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am going to yield in a moment up to 10 minutes to the Senator from Alabama, but I would just make two or three very quick points.

No. 1, I believe the issues before us have been thoroughly debated over the last decade. This is not a piece of new legislation. No one in this body is surprised by any of the language in it.

No. 2, this language preempts the assertion that the other side has made that it would have protections for an organization like the Ku Klux Klan. That is just not so, as has been stated by myself and the Senator from Missouri.

No. 3, yes, it is an adjunct to the summit in Philadelphia. Here we had a bipartisan expression of Republican and Democrat Presidents calling on America to reinforce voluntarism, and it is an appropriate response. Yes, this is linked to that summit. It would be highly appropriate to respond aggres-

sively to freeing up the American volunteer from a cloud hanging over his or her head.

Mr. President, I now yield up to 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

I take the floor today to offer my support as a cosponsor of S. 543, the Volunteer Protection Act of 1997.

As this week's volunteer summit clearly shows, there is a need throughout America for the kinds of services that are offered by selfless volunteers who are applying their time, their skills, and their labor toward bettering the lives of others.

Regrettably, however, the fear of lawsuits has become so pervasive that many people fail to follow through on their charitable impulses, or the charities themselves decide not to take on activities because of the fear of litigation. The legislation being discussed today will go a long way toward removing this artificial barrier to individual service.

I would also like to congratulate the drafters of the bill, Senator COVERDELL in particular, for recognizing the need to take this corrective action. In my own experience as a member of various boards and commissions for charitable organizations, I have witnessed firsthand the difficulties these organizations face in recruiting volunteers to undertake worthwhile activities. Fear of lawsuits is one of these reasons.

I remind my colleagues that there was a time in American tort law when the doctrine of charitable immunity would have isolated many of the individuals subjected to lawsuits today from this type of liability. This doctrine was based in large part on the public policy premise that a society is bettered in the long run not by creating barriers to volunteer activity but, instead, by encouraging volunteer action. In recent years, this fundamental policy principle has been undermined.

I think it is time for this body to begin to address this problem. Few people will deny the need for unpaid, selfless volunteers in our society. These highly motivated individuals often will tackle problems that would have been impractical for anyone else, including the Government, to take on. In its purest form, every individual action taken by a volunteer in one area allows scarce resources to be used somewhere else. The efficient use of volunteers allows us to have more bang for our charitable buck.

These efficiencies and cost savings are being undermined, however, in higher insurance premiums and legal fees. Senators ABRAHAM, COVERDELL, and MCCONNELL pointed out this fact recently in a newspaper article. In their article they cite the example of a Little League baseball league that had its liability premiums go from \$75 to \$795 in just 5 years.

I have been involved in Little League baseball. My son has played, and I have

coached. I know how hard those individuals work to sell hamburgers and hot dogs and peanuts to make money to buy ball caps and uniforms. These kinds of insurance rates are really detrimental to the public spirit in America—and the rate increases are driven by lawsuits.

I believe that this bill will strengthen the role of both volunteers and non-profit organizations. It restores common sense to the way our courts treat volunteers by protecting them from tort liability for simple acts of negligence. It also retains penalties for egregious activities such as sexual abuse and hate crimes and civil rights violations. Individuals who commit these kinds of acts will still be subject to lawsuits.

It will not protect people who have done acts under the influence of drugs or alcohol, so that volunteers who commit illegal acts or improper acts under the influence of alcohol will still be liable. And, although the individual volunteer may not be liable for compensatory damages, the organizations who are utilizing the volunteer's services would remain liable to compensate injured parties who have been wronged.

I support this bill's limitation on punitive damages. Under this bill punitive damages may not be awarded unless a claimant demonstrates through clear and convincing evidence—it is not impossible evidence; just clear and convincing evidence—that the harm arising from the actions of a volunteer was the result of conduct that was either willful or criminal in nature or that showed a genuine indifference to the safety of others.

By raising the legal bar for the award of punitive damages, we will accomplish two goals. We will help ensure that only the conduct that truly deserves such a penalty will be punished and we will reduce the amount of punitive damages awarded, thereby freeing up resources to be used for more productive purposes.

The bill's elimination of joint and several liability for noneconomic losses, such as pain and suffering, will advance these goals as well.

Let me say this, Mr. President. There has been a suggestion that the Ku Klux Klan would be covered under this bill. I do not believe that is correct. I do not believe the Klan would be covered by the definition of a charitable organization under this bill. I certainly would not want it to be covered. But in any case, in any circumstance, actions that are willful and unlawful would remain, under this bill, subject to lawsuits and punitive damages.

I had the opportunity, as U.S. attorney, to be involved in prosecuting a number of Klan members for an illegal action. It resulted in the death of a young black man for no other reason than because of his race. One of those individuals is serving life without parole and another one is on death row today. As U.S. attorney, just last year, that death sentence was upheld by the

Eleventh Circuit Court of Appeals. I expect, as months go by, that he will be brought forward to execution, as he should be.

Arising out of that case, under the leadership of one of America's most capable lawyers, Morris Dees, a civil lawsuit was filed against the Klan. It resulted in the winning of that lawsuit because of the Klan's policies that encouraged violence. That organization itself was held responsible for the criminal actions of its members. As a result of that action, the Klan headquarters was forfeited and sold for the benefit of the family that suffered death in that case.

I will just say this, Mr. President. That lawsuit would not be prohibited by this bill, because it was illegal and a part of a hate crime. The activities that gave rise to that lawsuit are exempted from the protections offered by this bill. Those kinds of lawsuits would continue. It is disturbing to me to see individuals take this floor and suggest that a bill designed to protect people's charitable impulses, to allow them to participate freely in helping other people without fear of being sued, that that would somehow be a bill designed to protect that despicable organization, the Ku Klux Klan. I think that it is unfortunate that that suggestion has been made. It is not true and is not a legitimate basis to object to this bill.

Finally, I support the bill's respect for federalism. The inclusion of the State opt-out provision in this bill recognizes the role of individual States in setting the statutory boundaries of their own tort laws when citizens of the same State are the only parties to an action. States can opt out of this if they choose. It does not mandate that they concur in these activities.

So again, I would like to encourage my colleagues to support this bill. It is good legislation which will serve to reinvigorate the volunteer spirit that has been a traditional component of the American character.

There have been a number of shows and studies and reports done on Alexis de Tocqueville and his travels throughout America. One of the things he was most struck by was the volunteer community spirit of America. That is a good spirit. The President, former President Bush, Gen. Colin Powell, and others recognized that just this weekend. We need to make sure that the laws of this country are supportive and conducive to the volunteer spirit. I think we have lost some of that protection. It needs to be restored.

I congratulate Senators COVERDELL, ABRAHAM, and MCCONNELL for their efforts. I look forward to having the opportunity to vote for this bill's final passage.

Thank you, Mr. President.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I want to thank the Senator from Alabama for his out-

standing remarks, and I appreciate his support of the measure, particularly in light of his experience. I commend him for his involvement in this important concept to help promote volunteering and to help foster and encourage the better impulses we have to help each other. That is what this bill is about.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota.

Mr. DORGAN. My understanding is there are 36 minutes left on the time controlled by Senator LEAHY.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time be allocated as follows: That I be allowed to speak for 14 minutes; the Senator from the State of Washington, Senator MURRAY, for 14 minutes; the Senator from Massachusetts, Senator KENNEDY, for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DISASTER IN THE NORTHERN GREAT PLAINS

Mr. DORGAN. Mr. President, I come to the floor today once again to talk about the disaster that has occurred in the northern Great Plains, specifically South Dakota, Minnesota, and North Dakota, and to talk just a bit about the need for us to proceed with a disaster appropriations bill.

Mr. President, this poster is of a North Dakota farmer standing in front of a 20-foot snowbank. This happens to be level ground. You could not tell that much by what the poster looks like. Three years of snow falling in 3 months in North Dakota, capped by the worst blizzard in 50 years, which in many parts of the State added 2 more feet of snow. That created a set of conditions that resulted in the disastrous flooding that now occurs.

This is a farmer standing in his yard, backgrounded by a 20-foot snowbank. Unless you are there and have seen it, have seen the 40- and 50-mile-an-hour winds with 60 and 80 below windchills that have created this kind of situation, you really do not understand how it results in this. This is the Wahpeton-Breckenridge area, right on the border of the Red River. You will see the downtown area, and you will see that the downtown is completely under water.

This is a picture just north of Fargo, ND, which gives a sense that in an area as flat as a table top, the Red River Valley, the flood waters expanded to cover virtually everything. This little city of Harwood built a ring dike, and you will see that this tiny town of Harwood is not inundated, but you will see the rest of the Red River Valley is flooded. As the rivers course through Fargo, first Wahpeton, then Fargo, and on up to Grand Forks, you see now a picture of downtown Grand Forks, ND,

with a fireman up to his waist in water. This is a downtown street. He is fighting a fire that consumed an entire city block. Firefighters, experiencing hypothermia, in ice-cold sewage-infested water—because the sewers backed up throughout the city, and the system collapsed—were trying to fight a fire without equipment. A fireman named Randy said, "Normally, when we fight a fire, water is our ally. In this case, we did not have water to pump." They tried to fight fires in multistory buildings, standing up to their waist in water in some cases, with fire extinguishers. What a valiant and heroic effort they made. But of course this city was inundated.

I and some others have been in the downtown area of this city in a boat. One boat I was in, operated by the Coast Guard, ran into a car—ran over the hood of the car. The only thing you could see of the car was 2 inches of the radio antenna sticking above the water. That is how we knew the boat hit a car on a downtown street so deep with the water.

The reason I come to the floor to show you these pictures and to tell you about the people of my region is that it is important, as we have done in every other disaster—earthquakes, floods, fire, and tornadoes—to extend a helping hand by the American people to this region to say we know what is happening to you and we want to help you. You are not alone. The rest of the country extends a helping hand to try to help you through this crisis.

It is not about buildings and snowbanks. It is about little boys, about grandpas and grandmas, about wage earners, working couples. A little boy, 7 years old, sitting in front of an airplane hangar at the Grand Forks Air Force Base, lost his home, and was looking at the ground dejected when I came to him and visited the shelter where thousands of people had been evacuated. The little boy knew his home was under water and he had nowhere to go. Not much hope. Eyes filled with tears. An older woman named Vi, a wonderful woman, a wonderful woman, on the phone when I met her, calling FEMA for help. Her eyes were filled with tears talking about what she had lost. So many others who have lost so much. Everything they have built, everything they have invested in, everything they have saved, inundated and devastated by a flood that came and stayed.

This region is just now finally beginning to start thinking about rebuilding. I was on the phone half an hour ago with a fellow who just got into his home and is pumping out his basement and trying to assess the damage.

Now, we have an opportunity in this Congress to pass a bill called a disaster supplemental appropriations bill. We have done that in the past. I, from North Dakota, have been pleased to vote for and support disaster supplemental appropriations for people who have been victims of earthquakes,

floods, fires and tornadoes across this country because I think we need to say to them, "We offer hope, we want to help."

Let me say, as the Appropriations Committee begins this process, I am enormously grateful for the chairman and the ranking member of that committee, Senator STEVENS and Senator BYRD, and so many other members of the committee who have worked diligently on this issue and worked with us and cooperated in a manner that one can only hope for. Thanks to them, thanks for the wonderful work they have done in order to put together a supplemental appropriations bill. We need to do much more because we do not know the entire extent of the damages. In the coming days, we will continue to work to do much more, to add money for the community development block grants, EDA and others, so we continue to appreciate very much the cooperation of the chairman and the ranking members and others on a bipartisan basis.

Mr. President, I am worried now because we were told this morning that there are some who want to add four very controversial amendments having nothing at all to do with floods, fires, winter storms, and disaster. They want to add four very controversial amendments to this disaster supplemental bill. When President Clinton came to North Dakota last week, one of the things he said is, "Let us pass a disaster supplemental bill, let the Federal Government extend a helping hand, and let us make sure that no one in Congress is tempted to add extraneous or unrelated amendments that would hold it up." Well, I worry now, because what we were told this morning is that there are those who want to add four amendments, all very controversial, all of them or any of which could trip up this bill. Those people, with tears in their eyes but hope in their hearts because they feel that we are going to extend a helping hand, do not, do not, do not deserve to have anyone meddle with this kind of legislation.

Let us, all of us, decide when disaster strikes, when tragedy visits any region of this country, any group of Americans, that we must rise as one to say, "Let us help. You are not alone. Let us be there with you." That is what this bill is.

Again, I started by saying I so much appreciate the cooperation of the chairman of the Appropriations Committee, Senator STEVENS, the ranking member, Senator BYRD, and so many others, especially the staff and others, who worked so hard on this kind of legislation. Our job now is to get it up, out, and moving and get it to the President and get it signed and get the help moving to these folks in this region of the country to say to them, "We want to help you rebuild. We want to help in your recovery. We want to help you rebuild your dreams, your hopes. We want to help your family recover." That is our responsibility. That

is our requirement. Let us not, any of us, let us not be tempted to decide that this is an opportunity to meddle with some kind of amendment that has nothing to do, at all, with disaster and tragedy.

I, today, call on all of my colleagues, each and every one of my colleagues, to decide this disaster supplemental bill ought to be passed, we ought to pass it soon, and we ought to get it signed into law to offer help and hope to those people who have suffered so much. If there are those who have other agendas, there is time, plenty of time, to address those agendas—the next day, next week, the next month. There is plenty of opportunity to bring any idea, any amendment, any agenda they have, to the floor of the Senate. But do not load this supplemental appropriations bill with extraneous and unrelated controversial amendments that will either stop or slow down the help that we intend to send on the way to the victims of this disaster.

I hope in these coming hours, as we talk through the issues that were discussed this morning, proposed amendments to the supplemental appropriations bill, I hope that all of us in this Chamber will come to the same result: Passing a disaster appropriations bill, a supplemental bill, to respond to this disaster is critically important. It ought to be done and done now, without anyone in this Chamber using it as an opportunity to advance an agenda that has nothing to do with the disaster supplemental bill. I call on my colleagues for that level of cooperation. I thank all of them for their help. The people I represent in this region of the country will be enormously grateful for what this Congress will do in extending a helping hand to people who have suffered so much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### WASHINGTON STATE AND CHINA

Mrs. MURRAY. Mr. President, I rise to discuss an issue of tremendous importance to Washington State and the Nation. The issue is China and specifically, my trip to both Hong Kong and Beijing over the recent Easter recess.

My trip to Hong Kong and China was an opportunity for me to discuss candidly the issues to be confronted by the United States Senate; most-favored-nation trade status for China, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

Additionally, I took this trip intent on raising the profile of Washington State in both Hong Kong and China. In the early 1950's, Senator Warren Magnuson of the State of Washington whose seat I now occupy was the first United States Senator to promote closer ties between the United States and China.

Since that time, Washington State has led the way in advancing United States-China relations for both the American and Chinese people. No other State in the country is as engaged and involved in China as my State. We have strong trade and cultural ties to China and indeed to all of Asia.

Washington State's involvement in China is much deeper than trade and economics; educators and students, lawyers and judges, adoptive families, religious organizations, military personnel, and many others in my State have relationships across the Pacific with counterparts in China.

Several Washington cities including Tacoma, Seattle, Kent, and Spokane all have growing sister city relationships with cities or counties in China. Washingtonians are going to great lengths to foster change in China; participating in local elections, providing resources to counter cultural biases against young girls, and working with the Chinese to create a commercial and a civil legal system for that country.

A diverse group of Washington State interests traveled with me to China at their own expense. This group included representatives from agriculture, aviation, high technology, retail, financial services, heavy machinery, and ports.

In Hong Kong, we met with officials from the United States Consulate, the American Chamber of Commerce, the Hong Kong Government and others. On the street and in official meetings, I sought to determine the mood of the people of this British Colony as it speeds toward its new status as a Special Administrative Region of China.

Certainly there are concerns about the transition; concerns that we require the careful oversight of the United States and others who care about the Hong Kong way of life. I also found much optimism among Hong Kong's people and its leaders; a certain confidence that the people of Hong Kong will take it upon themselves to preserve the prosperous and beautiful enclave that they created from barren rock and the surrounding waters.

I particularly enjoyed a meeting with Ms. Sophie Leung, an appointed member of the Provisional Legislature that will replace the current Legislative Council following the transition. Though I question China's decision to replace the current democratically elected legislature, I was heartened by Ms. Leung's passion for Hong Kong, her background as a civic activist, and her intention to support and participate in upcoming direct elections. Ms. Leung is also a part-time resident of Washington State. Interestingly, a number of the leaders selected to govern Hong Kong following the transition are actually American citizens.

Like many in this body, I am following closely the transition and China's handling of the new Special Administrative Region. A heavy handed approach to the transition by the Chinese side will be disastrous for Hong Kong; disastrous for the mainland whose de-

velopment is largely funded by and through Hong Kong; and disastrous for Pacific oriented States like Washington which utilize Hong Kong as a gateway to China and other parts of Asia.

Mindful of the threats to Hong Kong, it is important for all who want to influence change in China to recognize that Hong Kong's transition may be our best opportunity to further influence the mainland in such important areas like the rule of law, respect for individual rights, and the many democratic principles that we cherish in the United States.

As I traveled from Hong Kong to Beijing for additional discussions, I couldn't help but wonder which side would have a greater impact following the transition; 1.2 billion Chinese scattered throughout an area the size of the United States or 6 million Hong Kong capitalists occupying land that is similar in size to the Puget Sound area in Washington State.

In Beijing, I met with China's Vice Premier, Chinese Trade Ministry officials, and Chinese leaders involved in financial services, transportation, agriculture, electronics, and aviation.

United States Ambassador Jim Sasser, our former Senate colleague, was particularly gracious and giving of his time and experiences in China to me and the Washington State delegation. Ambassador Sasser hosted a dinner for me and the Washington delegation, and our group was delighted to be joined for the evening by former Speaker Tom Foley. At my suggestion, Ambassador Sasser invited a number of prominent Chinese women known for their advocacy work within China on issues relating to women and children.

In my meeting with Vice Premier Li Lanqing, I focussed on the trade imbalance between the United States and China, my concerns and those of my constituents on human rights, and the importance of China abiding by its commitments on Hong Kong.

Washington State exports to China grew by almost 40 percent in 1996 but overall United States exports to China did not grow at a rate comparable to the growth of China's exports to the United States.

I stressed to the Vice Premier my hope that the Chinese side would soon agree to allow the International Red Cross access to Chinese prisons and reinforced with him that the United States would continue to push for improvements in human rights. A commitment to human rights is part of our moral fabric; and I was encouraged by Vice Premier's acknowledgment of U.S. interest in this issue and of his offer to engage in a dialog on this issue.

Hong Kong's transition will clearly be the international event of 1997. The Chinese are well aware of this; I reminded the Chinese that the United States is watching closely; Taiwan is watching; indeed all of the world is watching China's handling of the Hong Kong transition.

In China, I had the opportunity to raise a number of other issues of importance to my State and my constituents. I encouraged the Chinese to increase access to their markets for Washington State goods with particular emphasis on resolving the TCK smut issue which keeps Northwest wheat out of China's marketplace and tariff reductions which would allow our horticultural producers to export significant volumes of apples, cherries, and pears to China.

The Chinese have made progress in combating piracy of intellectual property rights; I reminded them of ongoing problems and our continued interest in stopping both the production and export of pirated United States technology.

With the People's Bank of China, we discussed the importance of allowing more United States banks and insurance companies the opportunity to operate in China. This will provide new opportunities for small- and medium-sized firms seeking export to China.

We also discussed many other important issues including the growth of the Internet in China, the competitive advantages of Washington's ports and transportation infrastructure, the future energy needs of China, food security issues including China's ability to feed its people, problems associated with large, unproductive state-owned enterprises, and growth patterns in coastal and rural parts of China.

Numerous other high-profile congressional delegations also traveled throughout China and to Hong Kong during the recess. Vice President GORE visited the region with stops in Beijing and Shanghai. Several of my Senate colleagues including Senators LIEBERMAN, MACK, and JEFFORDS traveled to China during the recess as did Speaker GINGRICH and a large number of House Members. United States policy makers are visiting China and Hong Kong in record numbers. Close to 100 Members of Congress have visited China in the last few months. And more will follow as the Hong Kong return to Chinese sovereignty is now less than 100 days away.

I returned from my first visit to China convinced of the importance of engaging the Chinese, with heightened awareness of the difficult issues in the United States-China relationship, and very encouraged by the congressional interest in Asia and China. And I am certain Washington State will continue to be the bellwether State in gauging both the rewards and the pitfalls of the important United States-China relationship.

Already there is significant interest in the Nation's Capital in China. It is my hope that this interest will manifest itself in a genuine debate about good U.S. policy rather than good partisan politics. I certainly intend to represent forcefully the interests of my State and our country with a voice for good U.S. policy in the coming months.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe that, under the previous agreement, I was going to have 8 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I understood that the other side has some 22 minutes left.

The PRESIDING OFFICER. They have 26 minutes.

Mr. KENNEDY. That would bring us to the hour of 12:30. I have consulted with the floor manager of the legislation.

I ask unanimous consent that the recess time be extended from 12:30 until 12:40 and that the time therein be divided equally between the manager and Senator LEAHY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be recognized then for 7 minutes and that Senator HARKIN and Senator WELLSTONE each be recognized for 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUPPORTING THE CONFIRMATION OF ALEXIS M. HERMAN FOR SECRETARY OF LABOR

Mr. KENNEDY. Mr. President, I continue to be concerned about the failure of the Senate to act on the nomination of Alexis Herman to be the Secretary of Labor. President Clinton announced his intention to nominate Ms. Herman on December 20 last year, over 4 months ago. Her papers were officially received by the Senate Committee on Labor and Human Resources in early January.

During the Labor Committee's review of the nomination, Ms. Herman answered over 150 written questions from committee members. She dealt thoroughly with all the questions put to her at a lengthy Labor Committee hearing on March 18. The committee voted unanimously to confirm Ms. Herman on April 10. Senate confirmation was expected soon after that.

Instead, Ms. Herman's nomination has become a hostage in an exercise of political extortion that discredits the Senate. Those who are holding this nomination hostage admit that they are postponing a vote on Ms. Herman for reasons that have nothing to do with her qualifications for office. They object to President Clinton's intention to issue an Executive order on labor issues which they oppose. The proposed Executive order would direct Federal agencies to consider the use of so-called project labor agreements [PLA's] on Federal construction projects.

Such agreements have been used on large-scale construction projects, in the public and private sectors, for decades. Examples of Federal projects car-

ried out under PLA's include the Grand Coulee Dam in the 1930's; atomic energy plants in the 1940's; Cape Kennedy in the 1960's; and today, the Boston Harbor cleanup project.

In the private sector, too, PLA's have been used on many projects across the Nation, including the construction of Disney World in Florida, the Toyota plant in Georgetown, KY, the trans-Alaska pipeline in Alaska, and the Saturn auto plant in Tennessee.

State governments use PLA's as well. Governor Pataki of New York issued an Executive order similar to President Clinton's proposal in January 1997. The Governors of Nevada and New Jersey recently issued similar orders.

What PLA's do is require contractors to comply with the terms of labor agreements for the duration of the project. The advantages of PLA's are numerous. Projects are more likely to be completed on time, because a skilled labor supply is always available. There are fewer cost overruns, because workplace disputes can be quickly resolved through grievance and arbitration procedures, instead of by strikes or lockouts.

Projects built under PLA's have lower accident rates, because contractors can hire highly skilled and well-trained employees. Productivity increases as well, because of the higher skills of workers.

Opponents of PLA's claim that such agreements unfairly deny contracts and jobs to nonunion firms and individuals. That charge is false.

Nonunion contractors can and do bid on jobs where PLA's are in effect. In the Boston Harbor project, 40 percent of the subcontractors—over 100 firms—are nonunion. Similarly, on the Idaho National Engineering Labs PLA, with the Department of Energy, 30 percent of the subcontractors were nonunion.

Nonunion workers can and do work on sites where PLA's are in place. Unions are required by law to refer nonmembers to jobs on the same basis as union members.

The NLRB vigorously enforces this provision of the labor laws. Unions know how to comply, and do comply. In the 21 so-called right-to-work States, no worker can be required to give financial support to a union. In the other 29 States, if the particular contract provides it, workers can be required to pay a fee to the union while workers are employed at the job site. However, no employee can be forced to join the union, or to pay for union activities that are not related to collective bargaining.

In all of these ways, PLA's are beneficial to project owners and workers alike.

Further, it is clear that President Clinton has the authority to issue an Executive order dealing with Federal procurement practices. President Bush did just that in October 1992, when he issued an Executive order prohibiting Federal agencies from requiring PLA's on Federal construction projects. Re-

publican attacks on President Clinton's power to issue an order directing the consideration of such agreements are hypocritical at best.

President Clinton won the 1996 election. He is entitled to use his Presidential powers as he sees fit. It is unconscionable that Republican leaders in the Senate are holding Alexis Herman hostage to their antiworker bias. President Clinton has every right to issue his Executive order on Federal construction projects. The Herman nomination has nothing to do with that issue. Republicans should end this shameful tactic and let the Senate vote.

The Senate cannot faithfully discharge its constitutional responsibility to conform nominees if the process grinds to a halt for reasons that are obviously extraneous. The time has come to end this unjustified delay. It is long past time for the Senate to vote on Alexis Herman's nomination.

When a vote is taken, I am confident that Alexis Herman will be confirmed by the Senate and she will serve with distinction as our Labor Secretary. Ms. Herman's entire life has been dedicated to building coalitions and bringing people together, regardless of differences in race, class, or gender. She comes from a family of trail-blazers, and her own life, too, has been an extraordinary and inspirational story of commitment and achievement.

From childhood, her parents taught her the importance of helping others. Her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

Alexis also learned at home about the importance of standing up for your rights and participating in the political process. When she was only 5, her father faced down some members of the Ku Klux Klan who stopped the family car on Christmas Eve. In the 1940's, her father sued for the right to obtain an absentee ballot to vote in Mobile. Later, he was elected a Wardman of Mobile's 10th Ward, one of the first African-Americans elected in Alabama since Reconstruction.

In the early 1960's, her hometown of Mobile was still segregated. As a high school sophomore, unable to reconcile her Catholic faith with the segregation in the parochial schools, she confronted the Bishop of Mobile. His response was to suspend her from school. Undaunted, she continued to press for change. The following year, the first African-Americans were admitted to the white Catholic schools in Mobile.

After graduating from Xavier University, in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's

black citizens from achieving their full potential. Working with the AFL-CIO and Catholic Social Services, she undertook a project to find work for unemployed, unskilled young men in Mobile's housing projects.

In the 1970's, with Professor Ray Marshall of the University of Texas, she began a pilot project in Atlanta to place African-American women in white collar positions. With grants from the Ford Foundation and the Department of Labor, she established and managed this highly successful program. As a result of her leadership, the first African-American women were hired in white collar jobs at Coca Cola and Delta Airlines. The pilot project was so successful that it was extended to 10 cities.

Alexis Herman then added public service to her many achievements in the community and private enterprise. In 1977, when Ray Marshall became Secretary of Labor under President Carter, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked hard and well on expanding employment and training opportunities for women, and co-chaired a Presidential task force to promote business ownership by women.

After returning to the private sector, she worked as a consultant for businesses seeking to hire, train, and keep minority employees. Once again, she demonstrated her life-long determination to extend opportunities to those who had long been denied jobs, careers, and, most important, hope.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them. Few would deny that over the past 4 years, she fulfilled these difficult and important responsibilities with remarkable skill and success.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has shown an extraordinary gift for bringing people together in a cooperative spirit. That skill will serve her well as Secretary of Labor.

Alexis knows from her own life and first-hand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. I'm confident she'll do an outstanding job as Secretary of Labor. I urge the Senate to act quickly to approve her nomination, and I look forward to working closely with her in the years ahead.

Ms. MOSELEY-BRAUN addressed the Chair.

Mr. COVERDELL. Mr. President, may I ask the Senator from Illinois how much time will she be using?

Ms. MOSELEY-BRAUN. No more than 3 minutes. It is very brief.

The PRESIDING OFFICER. All of the time of the Democratic side has been allocated.

Mr. KENNEDY. Mr. President, I believe we had 6 minutes that had been assigned to Senator WELLSTONE and Senator HARKIN.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to have that 6-minute allocation changed and that the 6 minutes be evenly divided between all three speakers, and I will yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, my message is very simple, following on the statement of the Senator from Massachusetts. That is, I call on the Senate to free Alexis Herman and liberate the Department of Labor. The fact is that her nomination is being held up for reasons that have nothing to do with her qualifications for office, or, more to the point, the need of the American people to have a captain of a ship, if you will, at the Department of Labor.

It is being held up because of some unrelated political issues and, quite frankly, it demeans and, I think, embarrasses some in the U.S. Senate to have this high-profile and important nominee held hostage for no reason.

So my message, in keeping with the message of the Senator from Massachusetts—and I associate myself with his remarks—is that I call upon the Members of the Senate to consider that Mrs. Herman's qualifications are exemplary. She has the leadership skills to lead this Department of Labor in the 21st century, to lead our country in addressing the needs of working men and women, as well as the transition that our business community is currently undergoing. I very much hope that our Members will come together to let this nomination go—free Alexis Herman and liberate the Department of Labor.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield one of my minutes to the Senator from Connecticut and tell him that he owes me a big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on this. I would like to make note of the fact, with the Philadelphia Conference going on, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed and give us a chair at that Cabinet table for the millions of people who do not have a voice at the table representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the issue of the nomination of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action. Do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold



someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday majority issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa for 2 minutes.

Mr. HARKIN. I thank the President.

Mr. HARKIN. Mr. President, I would like to make a brief comment about Alexis Herman. Recall that Ms. Herman was unanimously reported out of this committee. We should not be holding her hostage over an unrelated policy dispute—a disagreement with the President over project labor agreements. I hope that whatever one's views are on project labor agreements that her nomination can move forward.

The Secretary of Labor serves as the spokesperson for working families in this country. We are considering several pieces of legislation that will affect working families and it is important that the Secretary of Labor be at the table as these changes in our workplaces are being considered. Ms. Herman must be allowed to assume her responsibilities as Secretary of Labor without further delay. I think it is unfortunate that our colleagues continue to deny the Senate even a vote on this important member of the President's Cabinet.

Now, let us be clear on the proposed Executive order regarding project labor agreements [PLA's]. The Executive order only directs Federal agencies to consider using PLA's, it does not require them to do so. The Federal Government's interest in PLA's is to help ensure that public sector projects are completed efficiently, economically, and safely.

PLA's set wages, working conditions, and dispute-resolution procedures for the duration of the project. This makes it easier for agencies to avoid cost-overruns and delays, while ensuring high quality work and safety at the worksite. They guarantee that the project will be completed on time, without strikes or lockouts. I find it incredible that the majority is so offended by this commonsense initiative.

There is nothing new about project labor agreements—the Federal Government has used them on Federal projects since the 1930's. Examples include the Grand Coulee Dam, the Cape Canaveral Space Center, and the Nevada test site. Project labor agreements have been a very effective tool

for Federal, State and local governments when faced with a major public works projects. PLA's have helped bring management and labor together to work out arrangements in terms of things like wages, benefits, and working conditions in return for a promise of no work stoppages or strikes.

Contrary to what has been said about project labor agreements, non-union contractors and nonunion workers would not be prohibited from working on Federal projects—they simply would have to abide by the terms of the project labor agreement for that particular project.

Republican Governors Christine Todd Whitman of New Jersey and George Pataki of New York issued similar executive orders authorizing state agencies to use project labor agreements. Also, State and local governments regularly use PLA's.

One notable example is the giant sewage treatment system now being built for metropolitan Boston as part of a court ordered clean up of Boston Harbor. Forty percent of the contractors on the Boston Harbor project are non-union. Furthermore, the projected cost of the project was \$6.1 billion, the present estimate for completion is \$3.4 billion. The Boston Harbor project is on schedule for completion by the year 2000 and safety, measured in lost time due to workplace injuries is below the industry average. During the 7 years of work on this project, there have been approximately 20 million hours worked without lost time due to strike or lock-out. This is quite a record of success.

Lastly, contrary to the claim that President Clinton's proposed Executive order (EO) exceeds his constitutional authority, this action is legitimate and typical of actions taken by other Presidents with clear constitutional and statutory authority. For decades, presidents of both political parties have exercised their authority to issue executive orders to implement changes in Government contracting policies. Furthermore, when President Bush issued an Executive order in 1992 to prohibit Federal agencies and Federal contractors from entering into project labor agreements, there was no similar outcry.

The Executive order on PLA's and the upcoming regulations on procurement reform are not a pay off to labor. They are sound policies that will make government operate more efficiently. The Federal Government should consider using project labor agreements when they increase efficiency, stability, and save taxpayer money.

#### VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes of our allotted time to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me start by thanking my friend and colleague from Georgia, Senator COVERDELL, for his leadership on this important issue this year.

As the principal cosponsor of this bill in the previous Congresses, I am excited about the fact it is on the agenda and has an excellent chance of becoming law.

My wife Elaine, who many of my colleagues know is former head of the United Way of America, was up at the volunteer conference yesterday in Philadelphia and there is no question that the timing of this could not be better. I commend my colleague from Georgia and the majority leader for scheduling this important piece of legislation during the volunteer conference, obviously making it easier for more and more Americans to contribute their time to others. It is something that ought to be a high priority in America in 1997.

Unfortunately, volunteer service has become a high-risk venture. Our sue happy legal culture has ensnared those selfless individuals who help worthy organizations and institutions through volunteer service. They try to do good and end up risking their fortunes. These lawsuits are proof that no good deed goes unpunished. In order to relieve volunteers from this unnecessary and unfair burden of liability, I am pleased to join in the reintroduction of the Volunteer Protection Act. I am particularly happy it is being considered today.

The litigation craze is hurting the spirit of voluntarism that is an integral part of our American society. From school chaperons to Girl Scout and Boy Scout troop leaders to Big Brothers and Big Sisters, volunteers, as we all know, perform invaluable services for our society. At no time is this value more evident than right now where organizations like the Red Cross are making such a big difference for the victims in flood ravaged North Dakota, just like they did for the folks in my home State of Kentucky during the floods there earlier this year.

So how do we thank the volunteers? All too often we drag them into court and subject them to needless and unfair lawsuits. The end result: too many people pointing fingers and too few offering a helping hand. Even Little League volunteers face major league liabilities.

In February 1995, Dr. Creighton Hale, the CEO of Little League Baseball, wrote in the Wall Street Journal that Little League had in fact turned into "litigation league." He pointed out that in one instance two youngsters collided in the outfield, picked themselves up, dusted themselves off, and then sued the coach. In another case, a woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her own daughter.

It is sometimes difficult to quantify exactly how much of an organization's

time and money is spent on liability protection. But the Girl Scouts have been able to put it into terms we can all understand. The executive director of the Girl Scout Council of Washington, here in the District of Columbia, said in a February 1995 letter that "locally, we must sell 87,000 boxes of Girl Scout cookies each year to pay our liability insurance."

Very simply, this bill protects volunteers who act within the scope of their responsibilities—within the scope of their responsibilities—who are properly licensed or certified where necessary, and some places require that, and, third, who do not act in a willful, criminal or grossly negligent fashion.

We are not trying to insulate from liability those who may act in a wanton way. Let me emphasize this bill does not create immunity for the organizations themselves or for volunteers who act, as I said, in a willful or grossly negligent manner.

Let me also point out that our bill clearly spells out that there is no protection for individuals who commit hate crimes or violent crimes or who violate the civil rights of others. So the opponents of the volunteer protection bill who claim that this is a KKK bill are simply engaging in fear mongering and demagoguery at its worst. This is a bill about protecting our volunteers. That is what it is about, nothing more and nothing less. This bill creates a minimum standard for volunteer protection and then allows the States to add further refinements and protections to that standard.

In short, the bill gives States flexibility. It strikes a balance between the federalism interests on the one hand and the need to protect volunteers from unfair and unnecessary litigation on the other. Specifically, any of the following State law provisions would be—I say would be—consistent with our bill.

First, a requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees.

Second, an exemption from liability protection in the event that the volunteer is using a motor vehicle or similar instrument.

Third, a requirement that liability protection applies only if the nonprofit organization or Government entity provides a financially secure source of recovery such as an insurance policy for those who suffer harm.

Fourth, a requirement that the organization or entity adhere to risk management procedures including the training of volunteers.

Now, none of those would be inconsistent with our bill should they be the standards adopted by a given State. The bottom line: liability problems for volunteers is a national problem that deserves a national solution—a national problem that cries out for a national solution. My state of Kentucky

just experienced devastating floods. During those floods, we also experienced an outpouring of compassion from volunteers all across the country. The volunteers were not just from Kentucky. They were from Ohio, Indiana, Illinois, just to name a few States from which people came to help us out in Kentucky. If a Red Cross volunteer from Ohio wants to cross the bridge and come into northern Kentucky and help on our flood relief, they cannot just put on their coat and boots and go to Kentucky. They need to do some legal research first. They need to do a survey of Kentucky and Ohio law to see if volunteers are protected and to what extent they are protected. Voluntarism is obviously a national issue and volunteers regularly and repeatedly cross State lines to help their neighbors.

That is why, among other reasons, this is a national problem calling out for a national solution. I urge my colleagues to move forward on this bill. The volunteer summit in Philadelphia is a testament to our country's strong efforts in this regard. And we think that clearly this is the time for action.

Today, in the cooperative spirit of the President's summit, I would ask our colleagues to set aside our differences on other issues like labor issues. I also would respectfully ask my colleagues not to try to suggest that this bill is about anything other than what it is about. It is not about the Ku Klux Klan. It is about protecting American volunteers.

I am amazed, I might say further, Mr. President, how one day we are criticized for moving too slowly and the next day we are criticized for moving too fast. It is pretty difficult here to figure out exactly what avoids criticism. These criticisms appear to be nothing more than attempts to divert this legislation which is obviously good for volunteers and good for our country.

Let me just summarize. What we are talking about here is a national problem crying out for a national solution to make it more possible for American volunteers to go to the assistance of their neighbors. We are bringing this bill up in the middle of the national summit in Philadelphia to encourage voluntarism and some are saying we are moving too fast. This bill has been around for quite a while. I offered a measure similar to this in 1991, I believe it was. It got about 31 votes. But times have changed. There is a growing awareness that legal reform of a variety of different sorts is important to our country, and we are starting in this area with the volunteer protection bill because it is timely, it is important, and this is obviously the time to move forward.

So let me conclude by thanking my good friend from Georgia for his leadership on this important issue. I hope we will soon be past the motion to proceed and well onto sending this legislation down to the President for signature.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield 1 of my minutes to the Senator from Connecticut and tell him that he owes me big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on the Philadelphia conference. I would like to make note of the fact, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed. Give us a chair at that Cabinet table for the millions of people representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the confirmation of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action, but do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 19 minutes and 40 seconds.

Mr. COVERDELL. Mr. President, I yield myself up to 5 minutes of my own time.

Mr. President, of course, the matter before the Senate is the Volunteer Protection Act which we had hoped would be a response to an historic bipartisan summit on voluntarism. The Volunteer Protection Act is designed to stop a circumstance developing in our country where volunteers are frightened to participate in the 600,000 volunteer organizations for fear that by participating they will have put their family and their family's assets at risk.

In the American Bar Association's section of business law recently a very balanced article occurs about the subject. It says:

An analysis of the laws around the Nation uncovers two important facts.

This is not exactly a partisan outfit.

Many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Prior to 1980, the number of significant lawsuits filed against volunteers might have been counted on one hand—

Prior to 1980, lawsuits directed at volunteers could be counted on one hand—

with fingers left over. But that all changed in the mid 1980's as several suits against vol-

unteers attracted national media attention. Besides accounts of lawsuits against coaches, one of the most frequently publicized cases involved a California mountain rescue team which evacuated a climber who had injured his spine in a fall. The man later sued for \$12 million alleging that rescuers' negligence had caused him to become paralyzed. With stories like this getting big play, volunteers were suddenly worrying about the possibility of personal liability.

In other words, stepping forward, being a good Samaritan, and then having your family's assets all at risk.

To meet the cost of higher insurance premiums, some nonprofit organizations cut back on services, that is, less attention to helping the elderly, the poor, and the children of our Nation. Others went without insurance, increasing the risk that an injured party would sue the organization's volunteers in search of a deep pocket.

As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned. Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion-dollar claim cast a deep shadow—and this is the point. This is not a 300-page bill. This bill is 12 pages long, double spaced. This is not rocket science law. This does not require 15 years of hearings. This bill is very simple. It begins to protect the volunteer from simple mistakes or errors or omissions, not from gross negligence. It does not protect hate organizations. It is disappointing, to say the least, that an attempt to respond to four Presidents, two Republican and two Democrat, calling on America to step forward, and trying to aid and abet that by a very narrowly focused proposition that says when they do step forward, they are not stepping forward in front of a gun; they are free to step forward and volunteer without being unnaturally and unduly threatened from frivolous lawsuits or from an effort to seek a deep pocket.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. COVERDELL. In that I have consumed these 5 minutes in an effort to protect those coming to speak, I suggest the absence of a quorum. As I understand it, that will be equally divided, but it will fall on our time when theirs has expired.

The PRESIDING OFFICER. It will come out of the time of the Senator from Georgia.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I see I have been joined by the distinguished senior Senator from Texas. In an effort to leave him as much of the remainder of the time—how much time remains?

The PRESIDING OFFICER. There is 12 minutes, 45 seconds.

Mr. COVERDELL. Twelve minutes remaining, and I yield as much time as necessary to the Senator from Texas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, there has been an extended debate here this morning about many different issues, about confirmation of Presidential nominees and about the protection of hate groups. What I would like to do is to get back to the point of this bill, to get back to a definition of what we are trying to achieve, what kind of safeguards we have in the bill, and to explain why it is critically important that we support this legislation.

The distinguished Senator from Georgia and those who have cosponsored his bill—and I am proud to be one of them—believe in voluntarism. We believe that there is no Government substitute for people being engaged in and trying to participate in the activities of their own communities. We do not believe there is any Government program that can substitute for genuine volunteers.

The President, numerous past Presidents, and General Powell are engaged at this very moment in trying to promote voluntarism. I see the bill of the Senator from Georgia as being a complement to that effort.

First, let me try to define the problem. When I was coaching little league football 25 years ago, I never thought about the fact that I might be liable had some player who was playing for me been hurt. I never thought about the liability implications because 25 years ago, at least in the very active central Texas league I coached in for 3 years, to my knowledge we never had a lawsuit filed against any volunteer.

The problem is that the world has changed dramatically in the last 25 years. It is now commonplace for volunteers who are trying to help people, for no pay, taking time away from their businesses, their professions and their families, to end up being attacked in a lawsuit. Furthermore, the volunteer frequently has very little, if any, involvement in the incident, has very little responsibility for the harm that has been alleged, and yet is often the only one with deep pockets.

Let me just give an example that I think is pretty easy to envision. Assume you have a volunteer working at a boys and girls club. Let us assume that the volunteer is working at the front entrance, checking people in as they come in to participate in the activities. This volunteer is critically important because, in trying to conserve the money we raise for the boys and girls club, we can hold down our costs if we can use volunteers.

The problem that Senator COVERDELL is trying to deal with is the following: You have a volunteer working at the front door checking people in. You have a professional staff person working in the back of the facility, say the

weight room, who might not be providing sufficient supervision and as a result some young person who is lifting weights, drops the weights on his leg, breaks his leg, and sues.

The professional employee at the boys club probably does not have deep pockets. The boys club of Bryan-College Station, where I am from, is not a rich organization. But the volunteer, working in the front, who by definition of being a volunteer is able to give their time voluntarily might have substantial assets. Under Texas law, they could be held liable. In this situation, you might end up having a volunteer, who never went into the weight room and who simply was there helping check people in, be the only one with deep pockets. Some knowledgeable and aggressive lawyer could end up suing the volunteer for something they had nothing to do with.

Here is what the Coverdell bill does, and it does it very simply. No. 1, it recognizes the contributions that volunteers make and defines the reason we want to encourage voluntarism. Then it sets out some very simple principles about liability. That is, it relieves volunteers from liability for harm caused if: No. 1, the volunteer was acting within the scope of their responsibility; No. 2, if a license or training was required for the job the volunteer was doing and the volunteer indeed had the license or the required training; and, No. 3, if the harm was not caused by willful or criminal misconduct or gross negligence.

So, it sets out some simple common-sense criteria which requires that volunteers meet the training requirements and to be carrying out their function for which they volunteered in a responsible manner. The bill also bars the awarding of punitive damages against a volunteer and, in a very important provision of the law, it sets out proportional liability for noneconomic damages. Under this bill, if you have a volunteer who has deep pockets and who is simply checking people in at the front of the building, and has nothing to do with what is going on in other parts of the building, then if a lawsuit should be filed, they could be liable only for an amount proportionate to their involvement in causing the harm.

In addition, there are many safeguards in this bill which have been discussed at some length in this debate. States have the ability to opt out of this if they choose to do so. I do not believe they will choose to do this because basically what we are trying to do in this bill is to encourage voluntarism by limiting liability, by assuring people that if they are willing to put up their time and their talent and their money to help other people, and if they are willing to volunteer to try to help their community, as long as they do their job in a reasonable and responsible manner, then they are not going to end up being dragged into a courtroom.

I want to address one part of the opposition to this bill. This is a very tiny

step, in my opinion, in the right direction toward legal liability reform. This is a tiny step in the direction of beginning to do something about runaway litigation in America. I believe that the opposition to this bill really springs from those who do not want any limits on legal liability. I would just simply ask my colleagues to look at the limited nature of this bill, to look at the fact that America is a great beneficiary from volunteer activity by our citizens, and that one thing that has tended to happen as Government has done more and more is that volunteers have been crowded out into doing less and less in our communities. I believe that we are all losers for that decline in voluntarism.

People who, 25 years ago, routinely volunteered to do things, now, in some cases, fear to do them because of legal liability. Two weeks ago I visited a school, a charter school in Texas, called the Dallas CAN Academy. This was the first charter school in my State. It is run almost exclusively by volunteers.

It has a very small professional staff which runs a mentoring program where business and professional people come in and serve as mentors to kids who have dropped out of school because they have had some sort of problem. These kids have come back to this special charter school and, with the mentoring program, in about 80 percent of the cases are able to graduate from high school—and a not insignificant number of them end up going on to college. The secret of this program is voluntarism.

This little program in Dallas, TX, pays \$15,000 a year in liability insurance to protect its volunteers. That is \$15,000 a year that could go to helping kids. That is \$15,000 a year that might make it possible for 15, 20, 30, or 50 more kids to graduate from high school and to have an opportunity to get on the playing field of life.

What the Coverdell bill will do is, by setting standards of reason and responsibility, it will dramatically reduce the liability cost of this charter school. It will make it easier to get people to coach youth soccer and little league. It will get more people involved, and I can say as a person who was very actively involved in volunteering in youth sports when I was a college professor, that the volunteer gets more out of it than the people who are the beneficiaries of voluntarism.

We are trying to make it possible for millions of Americans to help tens of millions of Americans, but the benefits do not just go to the people who are the targets of this voluntarism, the benefits go to the people who volunteer as well. The Coverdell bill tries to limit a real impediment to voluntarism. The legal costs of people being liable for things they did not cause is driving away hundreds of thousands of volunteers.

I want to congratulate Senator COVERDELL. This is a very important

bill, and I hope our colleagues will not let this whole political issue of legal liability and the interests of lawyers versus people who are sued interfere with what is a straightforward, reasonable, and limited bill. I strongly urge that this bill be adopted.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas once again for making a very cogent statement on this piece of important legislation. I thank him for coming to the floor.

How much time is remaining?

The PRESIDING OFFICER. One minute.

Mr. COVERDELL. I yield the balance of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas has 1 minute.

Mrs. HUTCHISON. I ask unanimous consent to have 5 minutes in morning business rather than taking from Senator COVERDELL's time. So if the Senator wants to finish on his bill for a minute, then I would like to ask unanimous consent for 5 minutes.

Mr. COVERDELL. I yield back my time.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

#### WELFARE REFORM AND WAIVER REQUEST FOR TEXAS

Mrs. HUTCHISON. Mr. President, I want to talk today about welfare reform. Now you may say, "My goodness, why are you talking about welfare reform? We passed that last year."

It is true, Congress passed welfare reform last year. We said to the States, "We want you to run your own programs. We're going to send you less money so that you will have the ability to be more efficient and make up for the dollars that we are not sending you from the Federal Government by efficiencies in your State programs."

We said to the States, "We're going to cut the strings. You're not going to have to come to Washington every time you turn around. And that will give you the ability to enact the programs that your States need to operate in a more efficient way."

Mr. President, you would have thought that everyone would have said, "Hallelujah, we are going full steam ahead." Well, Mr. President, the States said, "Hallelujah, we're going full steam ahead." The problem is, this administration is thwarting the attempts of State after State to do the job we asked them to do.

Mr. President, today the State of Texas has been waiting for 170 days, 5 months, for a clearance to run its welfare program in a more efficient way. The Governor of Texas has said it is costing our State \$10 million a month because they are waiting for Federal approval so that they can go out and

get bids. Public sector, private sector, whoever gives the best bid for the taxpayers of Texas and America, would be able to bid on consolidating the administrative offices for welfare services so that a welfare recipient would be able to go in to one place and get whatever they needed for their particular needs at that particular time. They may be able to get food stamps, AFDC, Medicaid, disaster assistance, community care, in-home and family support. All of these things would be in one place.

The State of Texas is looking for public-private partnerships. They are looking to the public sector and the private sector to say, come in and bid on these programs. The State of Texas believes they can save 10 to 40 percent of the \$550 million they now spend to administer these programs. That is \$200 million a year for the taxpayers of Texas and the taxpayers of America.

Mr. President, I talked to the Secretary of HHS. I said, "What more can Texas do?" She was very forthright. She said, "Texas has done everything it was supposed to do. Everything is set. It is on the President's desk."

Mr. President, why is the President making this decision in the first place? I am afraid it is because a political aspect to this has emerged. And that is, some of the unions do not want the ability for our State to go out and get bids on public-private partnerships.

Mr. President, I am all for unions being able to have free market access and free ability to go out and get jobs. But when a union says, "We don't want you to be able to do things more efficiently because we might not be able to compete," I am saying that is wrong. It is time for the President of the United States to do what Congress said was the law of the land and which he signed into law, which he agreed to do, and that is let the States run the welfare programs. Part of the way welfare reform is going to work is for the States to be able to do the job more efficiently without strings from Washington. It saves taxpayer dollars for all Americans and for the States that are trying to do their job better.

Mr. President, we have a dilemma here. Congress has acted, and the President has signed the bill. He has agreed with Congress that it is in everyone's best interest for the States to run their own programs. The proposal of the State of Texas is along the lines of what many other States are looking at. Wisconsin, Arizona, and other States are looking at these kinds of efficiencies.

Mr. President, I hope they will be able to do this. I hope so, because Congress has spoken and the President has spoken, and we have said the same thing: "Be more efficient. Use taxpayer dollars more wisely." What is the holdup?

I ask President Clinton, what is the holdup? We have a reasonable proposal. It is innovative. It meets the needs of Texans. Why not approve it? Five months and Texas has lost \$10 million

for every month this has not been able to go forward.

Mr. President, this is an emergency for my State. Our legislature has 1 more month of its session. We must act if the President is not willing to do the job. So I am announcing that I am going to try to do this congressionally if the President does not act or if the President turns down the reasonable request by the State of Texas. Because, Mr. President, the President of the United States cannot thwart the will of Congress when he has signed a bill. When it is the law of the land, he cannot go around it with regulations, with Executive orders, thumbing his nose at what the law is. He was a Governor. The President of the United States understands how important it is for States to be able to have the ability to run their own programs.

I am going to ask today the President of the United States to approve the waiver request for the State of Texas which has been sitting on his desk for 5 months. If he is unwilling to do that, I am serving notice that I will do everything in my power to congressionally require this approval.

The second choice is not the best. I would rather work with the President to do what is right here. But we are beginning to see a pattern: Wisconsin coming in, asking for legislative relief; Oregon coming in, asking for legislative relief. That is not the way to do it. But the buck stops here. Congress passed the law. If the administration is going to thwart the law of the land, Congress must act.

We must take these waivers one at a time and make these decisions. I would prefer that the President and the administration do what is right and do what is their responsibility to do and grant these waivers. If they do not, however, it is the responsibility of Congress to step in and say, this was our intent and it is the law of the land.

Mr. President, Texas is losing \$10 million a month; \$50 million to date. It is not right. We are doing in Texas what Congress told us to do. There should be no barrier to doing that. I ask the President today, grant the waiver. That is the proper way to work with Congress and with the States and it is in everyone's best interest.

Thank you, Mr. President.

I yield the floor.

#### RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule

XXII, the hour of 2:15 having arrived, the clerk will report the motion to invoke cloture.

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, Robert Bennett, Mike DeWine.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 52 Leg.]

#### YEAS—53

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

#### NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Shelby
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Feingold	Levin	

#### NOT VOTING—1

Bond

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have said earlier today I do not think this is an appropriate response to the bipartisan appeal from Philadelphia, to be filibustering very narrow legislation to help volunteers respond to the call by four former Presidents and a former Chief of Staff. But there will be plenty of time to talk about that. I know that the senior Senator from Texas has 5 minutes on another matter. So I ask unanimous consent that he be allowed up to 5 minutes to cover that, and then we will return to the motion to proceed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas will be recognized for 5 minutes.

Mr. GRAMM. Mr. President, let me join my colleague in expressing my disappointment that at the very moment where we have our former Presidents urging voluntarism, the Senate, on a partisan vote, is blocking our effort to remove legal liability constraints that limit the willingness of people to volunteer. So I am very disappointed that we did not get the job done, and I trust that this will not be the end of this bill.

#### TEXAS WAIVER FOR WELFARE SERVICES CONSOLIDATION

Mr. GRAMM. Mr. President, I wanted to raise an issue today and in the process urge the administration to move ahead and grant a waiver to the State of Texas to consolidate their office whereby they provide access to services like AFDC, food stamps, WIC, Medicaid, and other public service programs.

In an effort to innovate and save money, the State of Texas, under the leadership of our Governor, has come up with the idea of allowing public/private partnerships, such as EDS and the Texas Department of Human Services and Lockheed/Martin and the Texas Workforce Commission, to bid for the opportunity to move toward a more efficient provision of welfare services in out State.

The bottom line is the State of Texas has put together a proposal to use private technology with the public sector to unify the eligibility and application processes for a number of welfare benefits. The State of Texas can save \$200 million a year in State taxpayer funds that can be used for education or for public assistance or for law enforcement, and they have asked the administration to sign off on a waiver to let the State adopt this procedure, saving \$200 million, and the President has steadfastly refused to grant a waiver. Over and over and over again, we are seeing delays from the White House.

If the White House does not move ahead and grant this waiver so that Texas can operate its AFDC and Medicaid programs efficiently, then Senator HUTCHISON and I are going to have to move on the floor of the Senate to pass

a law to mandate that this waiver be granted.

It is outrageous for the President to continue to give speeches about welfare reform, to talk about giving States the ability to innovate and to try new methods to provide better services and to save costs, save money, and then turn right around and refuse to grant a waiver that would dramatically improve the efficiency of the system in Texas that would make it easier for people who are truly needy to get assistance.

What is the issue? By moving to a public/private partnership and saving \$200 million, some State bureaucrats and the unions who represent them are afraid they might lose their jobs. Even though Texas could save \$200 million and even though millions of beneficiaries would benefit from greater efficiency, the President is afraid to take on a special-interest group by granting this waiver. In this case the special-interest group is organized labor.

This is exactly the kind of activity we encouraged in our welfare reform bill which passed on a bipartisan basis. This is exactly what the President says every time he speaks on welfare reform. The State of Texas is trying to be efficient and save money, and they cannot get the White House to say yes or no.

Basically, what I am saying to the White House today is this: say yes or no, and get on with making the decision. If you are not going to allow the State of Texas to carry out the mandate of welfare reform, if you are not going to allow them to save money, if you are not going to allow them to operate their programs efficiently, then the Congress is going to have to act to grant this waiver.

It makes absolutely no sense for the administration to refuse to say yes or no. This is a clear-cut question: Is the power of special interests within the White House so dominating and so overwhelming that when a State tries to operate under the new welfare reform bill, when a State tries to save \$200 million annually of the taxpayers' money, and when a State tries to improve services by bringing the private sector into the process, it is prevented from doing so? Should we let one special interest keep all those good things from happening? That is the question that the President is going to have to answer in deciding whether to grant this waiver. I want to urge the President to grant the waiver and to do it soon.

I yield the floor. I thank the Senator from Georgia for yielding the time.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

#### NOMINATION OF ALEXIS HERMAN

Mr. REED. Mr. President, I rise today to speak on an issue that is important to many Rhode Islanders and I believe touches on the credibility of this body. I would like to add my voice to the voice of many of my colleagues in support of Alexis Herman as the Secretary of Labor. The appointment of Alexis Herman was approved by the Labor and Human Resources Committee unanimously on April 10, almost 3 weeks ago. This unanimous vote came after an appropriately arduous examination of Ms. Herman's record. She spent months successfully completing a far-reaching questionnaire submitted by the majority. She subsequently came before the committee and spent hours testifying as to her past accomplishments and her vision for the Department of Labor. She completed these tasks successfully, and a full vote of the Senate was originally scheduled for April 16.

Yet, that vote has now been placed on indefinite hold. I believe this reflects poorly on this body. We have asked Ms. Herman to defend her record and outline her agenda for the Department of Labor. She has done that. Indeed, she has performed that task well enough to gain the unanimous support of our committee. We now owe her the courtesy of consideration by the full Senate. Not only do we owe this courtesy to Ms. Herman, but we have a duty to hard-working men and women in this country to have their interests adequately represented in the Cabinet of the President of the United States. Every day policy decisions affecting workers go unaddressed because there is no Secretary.

While some may take financial stability for granted in today's economy, we in Rhode Island certainly do not. The Department of Labor has played a consistent and productive role in helping Rhode Island to cope with the economic challenges that it faces. We need a Secretary of Labor to help us continue in these efforts.

Economically, Rhode Island has been hard hit by changing economic conditions and defense downsizing.

In the late 1980's and early 1990's we lost over 10 percent of our manufacturing jobs due mostly to defense downsizing but also to changes in the economy. These effects continue to plague our economy. Thankfully, the Department of Labor, under the leadership of then Secretary Reich, was there consistently to provide assistance in lessening the burden of this impact on working Rhode Islanders. For example, in December of 1995, Rhode Island's largest grocery store, Almacs, declared bankruptcy immediately before Christmas. This bankruptcy resulted in Rhode Island's single largest layoff, over 2,000 workers, immediately before the 1995 holidays. The private sector committed what they could, volunteering food, holiday gifts and job placement services, but the former employees faced severe hardship.

Then the Department of Labor stepped in to assist. They provided a total of \$4.3 million to retrain 90 percent of the former Almacs workers who did not find employment in other grocery stores. This assistance came about because I was able to directly share the hardship of my constituents with the Secretary of Labor. Indeed, because the Congress had shut down the Federal Government at that time, several additional hurdles had to be overcome to help the people from Almacs.

Thankfully, because of the work of the Secretary, those hurdles were overcome and my constituents were provided the services they desperately needed and, indeed, deserved.

Just as in 1995, I am afraid that we are again confronted with a callous disregard for the working people of this country. They deserve a Secretary of Labor. Ms. Herman deserves a vote. Let us get on with this process. If you will, vote against her, but give her the opportunity to have her case heard here on the floor of the Senate and the decision made, not by inaction, but by the votes of the men and women of this body.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

#### VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just for clarification, before the Senate is a motion to proceed to S. 543. I would like to clarify for my colleagues, given the scope of the legislation, the importance of it, and timeliness of it, I am not eager to turn the aftermath of this cloture vote into a time that we substitute for morning business. I hope the remarks—and we, of course, sanctioned the previous remarks of the Senator from Texas and the Senator from Rhode Island—but I would be inclined to object to remarks for the next hour or so, not relating to the subject before the Senate.

Mr. President, I might continue then, for a moment. The time for this debate ran out before our lunch recess. I was commenting on an article, a very balanced article that appeared in the ABA section of Business Law, with regard to what the Voluntary Protection Act is trying to accomplish. I had just read this point, that "As publicity about lawsuits and the insurance crunch raised volunteers' apprehension, their willingness to serve waned."

The point is, we have documented evidence that a growing number of citizens in our country who have traditionally engaged in something that is uniquely American, it truly is—and I might add that as a former Director of the U.S. Peace Corps I had a chance to witness this and listen to it and hear it reiterated around the world—that voluntarism, as we describe it in America, is unique and it is an invaluable treasure for American people.

Here we have a situation that developed in the 1980's, where, suddenly, lawsuits directed at a volunteer, in search of more financial means or whatever, became highly publicized. So, obviously, it made a good Samaritan, somebody trying to step forward, someone trying to be a good American, nevertheless conscious of his or her prudent responsibility to protect their family, to protect the assets and the valuables that were there for the security of their family. As much as they wanted to volunteer, they had to suddenly be aware of, "Is this a threat to my own family?"

I mentioned earlier this morning Terry Orr, who played for the Washington Redskins, was in the Capitol the other day and recounted the experience of joining the team and of senior players immediately taking him and putting him in the breach, so to speak, of voluntarism. It is something he wanted to do. Then, as his career grew and he matured in it, he turned to the rookies coming behind him and said: "Look, this is important work for the youth of the Capitol city." And he was struck by the response.

The response was, "What is my liability? Am I putting my family at risk here?" It was a whole new sequence or reaction to asking for volunteers. That is what this sentence means, "As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned."

This 12-page piece of legislation—this is not a 1,500-page bill. This is not overhaul of Medicare. It is 12 pages. Its effort is directed at putting some protective buffer around people who want to step forward and be volunteers and reduce the level of fear that they would have with regard to the welfare of their own family.

It goes on to say, "Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion dollar claim casts a deep shadow." So what is being said here is you do not have to have a lot of judgments. You do not have to have a litany of cases that go against volunteers. You only have to have the specter or possibility of the risk to be public, and suddenly the volunteers are very, very cautious about what they do and what they do not do.

"Several surveys conducted during this period revealed that many organizations suffered board resignations"—which is what we alluded to earlier today—"and volunteer recruitment difficulties"—which I just talked about in the case of Washington Redskin player Terry Orr. "The lawyer on the board, a nonprofit's staff role, was often the first to resign." I have experienced this myself. My guess is the President has experienced this issue.

I told this story earlier today—over the weekend, I was down at Robins Air Force base and it was raining badly. So we were trying to get from the aircraft to the car. I misjudged where the cor-

ner of the car door was, which is what has caused this mark across my forehead. As I got on in the car, the Air Force Colonel say, "Gosh, I hope you are not going to sue the Air Force." Which is just—it permeates our society, the question of fear of lawsuits.

Faced with the prospect of charitable organizations closing their doors and potential volunteers staying home, legislators sought to offer protective warmth from the chill of potential liability. On the national level, U.S. Representative John Porter, Illinois, dramatized the problem.

This is the point I want to make. This morning the other side talked about how suddenly this new idea was thrust on the Senate. It had not had the appropriate length of debate or hearings and that sort of thing. Like this is a new idea that has been around. Listen to this:

"On the national level, U.S. Representative JOHN PORTER, Republican, Illinois, dramatized the problem in 1985"—Let's see, now, that is 12 years ago—"by assigning bill number 911 to his proposed Volunteer Protection Act." Eleven years ago, and Lord knows how many thousands of volunteers who have not shown up in the 12 years, or how many hundreds of thousands of dollars have been spent in an effort to try to respond to this that therefore did not go to help a child, an elderly person, a sick person, a person that has suffered from one of these floods that we have been talking about earlier today? Who knows how many people have not volunteered for that board or went out and coached Little League Baseball? Good grief, 1985, for a very narrowly defined effort to protect this unique quality in American government—or in American life, the volunteer.

"His proposal," Mr. PORTER's, "was a Federal bill designed to spur State adoption of volunteer protection laws. As has been mentioned by the other side, in 1990, President Bush released a model act and called for State-by-State adoption. By then, though, each State legislator had already addressed the matter at least once and few were eager to tackle it again."

The other side tried to allude to a lapse on our side of our role in federalism. They were suggesting we had forgotten our interest in State management of issues. But, as Senator MCCONNELL said when he came to the floor, this is a national issue. It has State ramifications, but it is a national issue. These hundreds of organizations, some of which I cited this morning that are supporting the Volunteer Protection Act, are national organizations and they are looking for national relief. They are interactive across State borders. They are dealing with organizations who represent multistate jurisdictions. Then it goes on to say, this article: "The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the



nonprofit risk management center compiled them in a publication."

The article draws on that analysis. Mr. President, the Volunteer Protection Act does recognize the role of the States. And in those cases in which all the parties are of a single State, the State has the option and authority to opt out of this legislation if the case is at all related to citizens of the same State.

It also allows the States laws that are more protective of the volunteers to stay, in effect, without change or preemption. But this article itself points very directly at the difficulties faced by the patchwork nature of volunteer protection laws as they exist today.

Mr. President, I am going to yield the floor. I see the Senator from Indiana has arrived and would like to comment on the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from Georgia for yielding and, more important, thank him for his leadership on this issue. I listened, as the Presiding Officer for the past hour, to his remarks about the irony of the voluntarism conference taking place in Philadelphia at the same time the U.S. Senate is attempting to secure approval to go ahead and debate—not vote on but just debate—the passage of legislation that will make voluntarism more acceptable to the American people and provide an incentive for people to volunteer.

I had the privilege of being designated as a delegate to that summit conference in Philadelphia, and as a delegate attended various meetings, shared time with the President and former Presidents who were there, along with Colin Powell, and Ray Chambers, and others who were instrumental in putting that together.

The whole thrust of the meeting, the whole thrust of the summit, the factor that drew all of our current living Presidents to this summit, was the idea that we needed to stimulate and do whatever we could to encourage Americans to take a more active role in solving some of the problems that our families face and in contributing their time and their resources on a volunteer basis to help particularly those in need.

The thrust was directed toward children, children that were falling into what we describe as an at-risk category, children without fathers at home, children without the opportunities that many children in America enjoy.

The goal—2 million children reached by the year 2000—is an ambitious goal, one which will require considerable commitment on the part of the American people. Yet a number of organizations were there that pledged their commitment to reach that goal, a number of corporations pledging their efforts to ensure and help their employees participate in reaching that

goal, whether it is mentoring a fatherless child in an organization like Big Brothers/Big Sisters or working through Boys Clubs, Girls Clubs, Boy Scouts, Girl Scouts, various literacy programs, teaching a child to read, juvenile delinquency, drug abuse, teen pregnancy, all of these human problems that require not the hand of big Government—we have tried that, and it has been wanting—but involves the personal commitment on the part of individuals working with those children.

One of the most encouraging things about that summit was that there was a widespread recognition on the part of people from both parties, different points on the ideological spectrum and political spectrum. There was a consensus that big Government was not the solution, that our, in many cases well-motivated, efforts in the past to reach out through the mechanism of Government to address these human needs had not succeeded, and that while no one felt comfortable with simply absolving ourselves of all responsibility, hoping that the so-called free marketplace of social interaction and community support would fill the gaps, clearly there was a consensus that the solution did not lie in more funding for various Government agencies, more Government involvement, but the solution lay in individuals making commitments to help kids in need, to help organizations in their communities that were helping children in need. And this was a very uplifting occasion.

As I said, our former Presidents and our current President was there. We had Republicans and Democrats speaking from the platform, organizations that are doing extraordinary work today in our communities all across America. But the bottom line was, in order to accomplish the task ahead, we need more volunteers. We need more people to commit time to join up with a child in need or a family in need or an organization that is there to serve those people in need. We need to recognize those who are already making those sacrifices in volunteering, and we need to encourage more to do it.

Anyone who has been involved in volunteer work understands that the benefit exceeds the sacrifice, if we can even label it a sacrifice; that the recipient of the volunteer's efforts obviously is supported and helped; but the rewards, not money rewards, but the intangible rewards that come to the volunteer are very, very significant.

So out of all of this, I am confident, we have come to a time when there is a renewed interest in supporting our neighbor, supporting those in need, providing effective compassion, expanding the role of volunteer community organizations and charitable organizations, expanding the role of the church and encouraging its work in dealing with some of these problems.

But one of the key impediments to that involvement of voluntarism that we are trying to encourage has been what I would call almost a tax on vol-

untarism. That tax is the result of lawsuits, many of which are frivolous, that have been filed against organizations or against boards of directors of organizations or of volunteers. It is a discouragement and a disincentive for individuals to volunteer.

The Senator from Georgia referenced that. The first response to a bump on the head or a trip on a step is, "I hope you're not going to sue us," because we seem to be in a pattern of litigation in what has been described as the world's most litigious society. It seems that for many the first thought is, "How can I collect? Who can I sue?" Well, it is one thing if individuals are covered by insurance policies; it is another if they either are not covered or those insurance policy premiums have risen to the point where organizations are finding it difficult to pay the premium.

Over just the past few years, liability premiums for volunteer associations have risen 155 percent. So organizations like Little League and Big Brothers/Big Sisters, Girl Scouts, Boy Scouts, volunteer fire departments, and all the myriad number of volunteer associations and groups that provide so much important help to people in this country are finding themselves squeezed, squeezed by higher liability premiums, squeezed from their ability to attract people to serve on their boards, to attract volunteers to work in the work of the agency.

We need to recognize that every dollar that is devoted to increased liability premiums means that it is a dollar less that goes to meet the needs that the organization or the individual is attempting to address.

Congress has attempted to address this in piecemeal fashion. I was proud to lead the effort last year to pass the bill that provided liability protection for doctors and nurses that volunteered their time to those in poverty that did not have insurance. Senator SANTORUM passed a bill that provided restaurants that donate food to homeless shelters, food banks and soup kitchens some protection from liability.

But essentially what we are talking about here today is a bill that would expand the scope of liability protection to the numerous agencies and literally hundreds of thousands of volunteers who are not now covered or who find that the premiums are prohibitive for liability coverage.

Of course, there are protections in the bill here. We are not excusing people from negligence. We are not excusing people for willful injuries or criminal misconduct. If a suit is warranted, the suit can be brought. But what we are saying is that there ought to be some protection against frivolous lawsuits, there ought to be some protection against honest mistakes, there ought to be limitations on liability to those who actually bear the responsibility for the injury, and not this, what we call joint and several liability, that flows to every member of the organization, every member of the board

which allows lawyers to simply find the deepest pockets or the richest pockets to sue, and so if one member of a board commits an act which warrants an action against that individual, all members of the board find themselves involved in the lawsuit.

As I said, liability insurance can be purchased, but the rising cost of that has been prohibitive, and it drains dollars away from the central purpose of that organization. In many cases we have people who are not covered by insurance, yet they want to volunteer their time.

Mr. President, just a little bit ago—I think it was just a week or so ago—Lynn Swann, who is a former member of the Pittsburgh Steelers and is in the National Football League Hall of Fame, testified before the House on the impact of increasing insurance premiums and the problem of liability coverage for Big Brothers/Big Sisters.

Lynn Swann is a national spokesperson for Big Brothers/Big Sisters of America. I had the privilege of serving on that national board with Lynn. He has dedicated an extraordinary amount of time and effort to promoting the concept of mentoring and promoting Big Brothers/Big Sisters as an organization that has been established now for nearly 100 years in mentoring children on a one-on-one basis.

Lynn testified before the House indicating that the inability to pass liability coverage for volunteers was providing a disincentive to attracting volunteers to be Big Brothers or Big Sisters. Currently, there are 100,000 individuals in this country who have volunteered their time on a consistent basis—not a one-time only, but a consistent basis—to mentor and be a Big Brother or Big Sister to a child from a fatherless family, to a child who needs someone to come alongside, to be with them, to help them with homework or just to listen to them on the phone or to incorporate them in some of their daily activities, to be a friend, to be a Big Brother, to be a Big Sister.

But there are 40,000 young people on the waiting list because we do not have enough Big Brothers, Big Sisters to match those on the waiting list. One of the reasons is that agencies have not been able to attract enough people because people are concerned about frivolous lawsuits or liability actions taken against them that they know they are probably going to have to pay or settle to some extent just to keep from having to spend 2 or 3 or 4 years in court dragged out through an expensive legal process.

So we go back to the original point. At a time when this Nation's attention is focused on the concept of voluntarism and how it can support those genuinely in need, how it can provide help for children at a time when former Democrat and Republican Presidents and our current President are meeting in Philadelphia to promote and encourage and ask and plead with individuals and corporations and businesses and

entities in America to do more, the U.S. Senate is voting to not allow debate on a strictly—I guess it was strictly a partisan vote. There was a clear division between the Republicans and Democrats on this issue. They were voting to not even allow debate and amendments to go forward to move to final passage of this particular legislation.

So on the one hand, our Nation's attention is focused on the plea of President Clinton, former President Bush, former President Ford, and former President Carter to get more involved, to volunteer, to support agencies that are reaching out to children in need, calling for 2 million additional volunteers by the year 2000.

Yet at the very same time the U.S. Senate is saying, no, we are not going to remove impediments to voluntarism, we are not going to adopt sensible measures to protect those who give voluntarily of their time to serve the needs of our communities and serve the needs of our fellow citizens, we are not going to do anything to take away any barriers that might be in place that are identified as limiting the size and the scope of the volunteer effort.

It is just such a disconnect, just such an irony that our President is in Philadelphia urging us to become more involved in that spirit of voluntarism that I was privileged to experience in Philadelphia over the last 2 days, and that it is now clouded over with a deep, dark cloud that basically says, no, we are going to protect the lawyers, we are going to give the lawyers more protection than we are going to give the volunteers, we are going to make somebody who volunteers for Girl Scouts or Boy Scouts or Big Brothers/Big Sisters or any of a number of organizations and wants to give their time to the board, we are going to say that you are jointly and severally liable, if somebody on that board makes a mistake, we are going after the guy with deep pockets, we are going after the guy with all the money.

So good people who want to give their time and effort to volunteer organizations and volunteer help find themselves restricted and limited because they may not have control over an individual on a board that does something that brings a lawsuit, that allows every member of that board to be swept up in that lawsuit.

We are providing a disincentive to those citizens and volunteers who want to give of their time, who want to provide the support that children need in this country by saying, "Do not forget about the lawsuit liability. Watch out for the trial lawyers."

We are losing people, 40,000 young people on the waiting list for a Big Brother or Big Sister, and we cannot reach out to volunteers with any assurance that they will be protected from sometimes some of the most frivolous, meaningless, but yet effective lawsuits filed against them.

Are we foreclosing the right of someone to go after criminal misconduct or

willful actions? Absolutely not. That protection is provided in the legislation that we are debating. What we are trying to do is make it easier for people to be good neighbors, to be good citizens. What we are trying to do is to provide a recognition that as Government necessarily scales back its effort at providing help for humans in need—which has been an extraordinary effort. I am not questioning the motivation of those who attempted it. It just simply has not produced results.

There is a recognition across the spectrum now between Democrats and Republicans that we need to find better alternatives, that we need to support the role of the church, we need to encourage the role of the church, parish, and synagogue, of charity, of volunteer charity organizations, of volunteer associations, of PTA's, of all of the groups that are working now in our community—including the Salvation Army, on and on it goes—who want to do more but need help to do more. They need our involvement, No. 1. They need our funds, No. 2. But No. 3, the least we can do is remove an impediment to voluntarism when someone's lawyer says better not be involved with that group because, as you know, while it is purely a voluntary act, if something happens to some member of the board, this whole board can be sued. Every one of you will find your name on a summons. Every one of you will find your name as defendants in a lawsuit. Every one of you will have to pony up for money to pay the attorneys. These guys will squeeze us for years until we settle, and maybe there is no liability at all, but we cannot afford the time. We cannot afford the ultimate money. So we will simply put a settlement out and everybody has to kick in. So people are discouraged from exercising some of their best instincts.

This legislation makes a great deal of sense. I hope my colleagues who did not support the cloture motion, the motion to allow us to go ahead and proceed with this legislation, I hope they will weigh that action against what is taking place in Philadelphia. I hope they will take the opportunity, as I just did in our reading room back here, to go and look at the stories and pictures in a whole number of newspapers from across the country—the Los Angeles Times, the Boston Globe, the St. Louis Post-Dispatch, the Chicago Tribune, and on and on it goes, USA Today—on the front page of every paper out there. A lead item on all the news stories last night was the Philadelphia summit, the President's gathering, organizations pledging, individuals committing to a new spirit of voluntarism that, hopefully, will sweep across this country, hopefully will reach out to those 40,000 kids and Big Brothers and Big Sisters that are waiting for a match that can change their life, that can make a difference in their lives. For all those who want to expand the board, expand the participation and expand the number of volunteers, I

hope they will go and read the headlines and look at the pictures. I hope they will look at the pictures of the kid waiting for the Big Brother/Big Sister match, for the involvement of organizations that can help their family, for the encouragement of groups like Habitat for Humanity and others that are making some an extraordinary difference in our world today. We want to do more. We want to do better. We want to expand that effort.

What is stopping us? The trial lawyers—the trial lawyers who will not even let us go ahead and debate the bill and vote on the bill. A cloture motion has to be filed to prevent a filibuster. Because of a strict party-line vote, which escapes me why every member of the other party feels it necessary to prevent this at the same time their President is urging, in an eloquent address—one of the best addresses I ever heard President Clinton give. I am not often standing at the lectern praising the President, but it was an extraordinary address to the thousands that were gathered yesterday in Philadelphia. It was a plea for support.

Here we are trying to provide one measure of support to remove one disincentive to voluntarism, to serving on a board of directors. As I said, I am on the national board of Big Brothers and Big Sisters. We have discussed this. Lynn Swann comes down and testifies and says we can put more kids together with more mentors, but one of the things that is holding us back is the liability we expose volunteers to and the extraordinary increase in insurance premiums over the past several years because of all these lawsuits. So every dollar that Big Brothers and Big Sisters worked so hard to achieve to provide a match between a Big Brother, Big Sister and a little brother and a little sister, every dollar that has to go to pay the increased liability premiums is a dollar that cannot go to provide for a match or support a match.

I hope my colleagues will reconsider and allow us to go forward with this. If it needs to be amended, we should amend it. If it needs to be modified, we should modify it. But do not stop it from even being discussed, debated, and voted on, particularly at a time when our President and our former Presidents and our Nation is saying, "We want to do more. We need to do more. We must do more." We should not throw a bucket of cold water on what I think is a noble effort, a necessary effort, to address some of the basic human needs in this country.

Mr. President, I appreciate the generosity of the Senator from Georgia in allowing me to address the Senate. I again commend him for his efforts, and hope that when we get to the next cloture vote we can do better than we did today.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

First of all, let me just say to my colleague from Indiana that I really

appreciate much of what he said, and I also appreciate his passion. I do not know anybody more committed to this whole idea of volunteer citizen action and helping people. I deeply respect him for it.

Mr. President, I think that one of the things I want people to know who are watching this debate is that there are some other things going on in the Senate right now that are extremely important. This piece of legislation, I think, can be debated and people can deal with the substance of it, but at the moment, just speaking for Minnesota, and I know there are other Senators that feel very strongly about this in the Dakotas, we have a disaster relief bill we are trying to get through the Senate.

Mr. President, I think one of the stumbling blocks right now—and I am really sorry that my colleague from Georgia is faced with this, because I think it has nothing to do with him at all—with the disaster relief bill, on the one hand you have people like Chairman STEVENS of the Appropriations Committee pushing hard to help. I am sure of that. But you now have a proposal—and I am not sure who exactly is playing this game, and it is a game—to attach a continuing resolution on to a disaster relief bill. Mr. President, I think that is the problem we are faced with.

The whole issue of liability, the whole question of what kind of tort reform there might be in relation to non-profits and citizen volunteer efforts is important. We should get to that legislation. We should vote it up or down. I am pleased to debate it. But at the moment I say that I think the business of the Senate and the House is to get the assistance to people who have really been faced with a real disaster in their lives. People in Grand Forks and East Grand Forks, everybody that lived in the city had to vacate. People are not going to be able to get back on their own two feet. They will not be able to repair their homes. They will not be able to start their businesses again. This is a life-or-death issue. I do not think I am being melodramatic. We were so hopeful there would be action.

Again, I thank Chairman STEVENS for his work, and certainly Senator BYRD for his work, but now we have a development which, essentially, led to the committee today essentially having to call off its business. It is this proposal that comes from somebody, or somebodies, to attach a continuing resolution.

Now, for people who are listening to this debate and wondering what is that all about, let me just be clear about it. What this continuing resolution would do is, it would essentially attach on to a disaster relief bill 98 percent of this budget, although if you look to next year, it amounts to a 7-percent cut. In other words, rather than having up-or-down votes on appropriations bills, having an honest debate about what our priorities are or are not, some peo-

ple would like to play this game of attaching on to what was supposed to be a disaster relief bill to provide assistance to families who were waiting for this assistance, who are hoping for this assistance, who are paying for this assistance, now we have this new effort which would put into effect cuts in the Pell grant program—I will not even go through all the statistics—work-study program, education for disadvantaged children, literacy programs, National Institutes of Health programs, Head Start, senior nutrition, the list goes on.

Mr. President, in all due respect, I do not know whose proposal this is, but I think it is a cowardly way—and I am pleased to debate anybody who wants to debate me—it is a cowardly way of loading junk on to a disaster relief bill.

Mr. President, again, I give all the credit in the world to people like Senator STEVENS, who is in there pitching for us, but I do not know who decided to do this, but it is really crass. Mr. President, the President has already said that he would veto such a piece of legislation because, as President of the United States of America, he cannot go back on a commitment he has made to people, the commitment he has made to Pell grants and higher education, the commitment he has made to Head Start, the commitment he made to nutrition programs for senior citizens, he cannot put, through the back door, cuts in those programs.

I make a plea, and I would like to have a discussion with my colleague from South Dakota about this. I would like to make a strong plea to colleagues. Please join the efforts of Senators like Senator STEVENS, who is in there pitching for us. Please understand there are people in the Dakotas and Minnesota who are really praying for help, who believe we will come through for them, who believe we will be able to help their families, who believe we will be able to help them get on their own two feet so they have a chance to rebuild their lives. Please do not attach this junk on to what is supposed to be a disaster relief bill. The business of the Congress right now ought to be to pass this disaster relief bill and get the assistance to people who need it.

I just ask my colleagues, the Senator from North Dakota and the Senator from South Dakota, what you are hearing from your own States?

Mr. DORGAN. Well, if the Senator from Minnesota would yield for a question. Mr. President, I spoke earlier this morning, and it is not my intention to upset anybody who might have another agenda, except to say that the most significant agenda at the moment is to deal with a lot of folks who have been put flat on their backs by an act of God they didn't expect or request—by floods, fires, and blizzards. In the State of North Dakota, for example, in Grand Forks, ND, an entire city evacuated. I was in the middle of a town in a boat, a town of 50,000 people in which nobody

lived. Water was up to the eaves trough in some of the houses. You could barely see the tip of the roof. It was the most remarkable thing I have ever seen. It was a most devastating circumstance—except for loss of life. Thank God, we didn't have much loss of life.

Family after family are losing their homes, their personal property. Many of them lost everything they had. But they haven't lost hope. Part of the hope is that we will do what is necessary to extend a helping hand to folks, to say that you are not alone, the rest of the country cares about you. As we have done with others around this country, in fires, floods, tornadoes, earthquakes, and other disasters, we have said here is some significant help to get you on your feet and help rebuild and recover and give you some hope.

To the Senator from Minnesota, I ask this: We have had tens of thousands of people in North Dakota displaced as a result of the floods, and the resulting fires as well. I assume that the similar circumstance exists—in East Grand Forks, the entire city was evacuated. I know the Senator has some numbers on evacuations. But is it not the case that Minnesota, South Dakota, and North Dakota probably suffered the most significant natural disaster we have had in the history of our three States?

Mr. WELLSTONE. I say to my colleague—and I am pleased to take questions from both of my colleagues—he is quite right. It is a nightmare. It is something that nobody ever could have predicted, and everybody had to be evacuated from East Grand Forks. In other towns, like Breckenridge or Ada, not everybody in the town had to leave, but in Ada, the school is destroyed and has to be rebuilt. People had to be evacuated from a nursing home. There was a tremendous amount of damage. The community center was essentially destroyed. In Breckenridge, I met small business people who said, "We need start-up grant assistance."

Again, I say to my colleagues, I understand the importance of this piece of legislation that is on the floor. But at this point in time, I think the first priority ought to be to get this disaster relief to people. I believe we operate by the rule, Mr. President—I always have as a Senator—that it is "there but for the grace of God go I." I have always voted for disaster assistance for other States because I know something like this could happen to people in Minnesota. We count on people being there with us. I don't want this to be something that is symbolic. We need to get assistance to people—not 100 percent replacement, but at least something to help them get back on their own two feet.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. JOHNSON. First, the Senator from Minnesota has done yeoman work in trying to bring relief to the tremen-

dous, catastrophic disaster that has taken place in Minnesota, North Dakota, and South Dakota over the recent months. We have 125,000 people rendered homeless in those States currently. I have visited all three States, and I have seen families, even those who can get back into their homes, who have no sewage, have no water, the roads are broken up. They are doing dishes in campers and using port-o-johns that are temporarily installed in the front yard, and sandbags are everywhere. It is chaos in so many of these areas. Livestock have been lost, equipment has been lost, buildings have collapsed under the weight of snow, culverts are out of place, bridges are down. The loss is a mess through this part of the northern Great Plains. It has been a disaster that has visited 22 States, although the Senator and I are most familiar with the problems, obviously, of Minnesota, North Dakota, and South Dakota. We have tremendous urgency for assistance, as this country has always done during times of this level of distress.

It appears that if extraneous language is added to this disaster legislation, for which there is broad-based bipartisan support, that will jeopardize the passage of the legislation and, even if it were to pass, would subject it to a veto and we would be back to square one. Timeliness will have been lost and we will have delayed the level of assistance that is so badly needed on an urgent basis.

I ask the Senator from Minnesota, does it appear to the Senator that among the most egregious things trying to be added or forced on to this legislation are proposals that, while they are referred to as a 98-percent CR, which to many people would sound reasonably innocuous, but the real consequence of that would be, would it not, over the coming year that we would in fact see college aid cut by \$1.8 billion, 400,000 students would lose Pell grants, 52,000 children would be cut from Head Start, we would have to end the Crop Insurance Program—one of the very vehicles that is being used to provide some level of relief for the farmers and ranchers who have been badly hit by this disaster—200,000 veterans would lose medical care, 700,000 mothers and infants per month would lose Women, Infants and Children Nutrition Program services, Indian health services would be cut, there would be 500 fewer air traffic controllers and 173 fewer security officers hired for purposes of air security. Is it not correct that not only would we have to buy into this, but I would have to ask the Senator from Minnesota, procedurally, is it not also correct that we would not be permitted a vote up or down and there would be no debate on policy initiatives of such enormous consequence if we were to allow this kind of extraneous language onto the emergency legislation that we so badly need to pass immediately?

Mr. WELLSTONE. Well, Mr. President, in response to my colleague from

South Dakota, first of all, he is quite correct about what this continuing resolution would mean in personal terms for people in our States. Actually, if you look at a 98-percent cut—we can see where other cuts have taken place. As a matter of fact—and my colleague outlined some of the figures—let's translate it into personal terms one more time. I do not believe that people in South Dakota or Minnesota or others across the country are interested in reductions in financial aid and Pell grants so that higher education can be more affordable. I do not believe that. We have been reading about and talking about the very early years being so important in the development of the brain, that we have to make sure children at a very young age have adequate nutrition. Do you know what? We can't play symbolic politics with children's lives. If we are going to be espousing that, we better make the investment. I don't think people want to see cuts in nutrition programs for children.

Mr. JOHNSON. If the Senator will yield, would the Senator agree that there is an appropriate time and place for a debate about whether Head Start should be continued or whether crop insurance should be continued or nutrition programs should be continued and at what level, and that the timeliness of that debate ought to be in the context of the appropriations process, rather than doing an end-run on the normal process and tying it to this badly needed legislation?

Mr. WELLSTONE. I say to my colleague from South Dakota that that is precisely the case. I was simply trying to make the argument that I believe these cuts are not acceptable to people in the country, and this is not an intellectually honest or policy-honest way of doing it. We can have the debate on all these appropriations bills and we can have up-or-down votes and be accountable. I think this is a very cowardly way—and that is a pretty strong word to use—or a back-door approach to try to make cuts in some of these programs that are so important to the lives of the people we represent, and it is just adding junk onto what should be a straight disaster relief bill.

Let's not play around with the lives of the people in the 22 affected States. I invite any of my colleagues, I say to my colleague from South Dakota, before you do something like this—and, again, I know Chairman STEVENS has tried to be in there pitching for the people in our States—before you play this kind of game, come on out and look into the faces and eyes of some of the people. They are like refugees. The people in our States are like refugees. They are homeless and are trying to get back home and are trying to repair their homes. They are trying to move back into their homes with their children. Why play this kind of game with their lives? Let's bring this disaster relief bill before the Senate, and let's get the assistance out there to people who need it.

If my colleagues then want to propose reductions in Pell grants and nutrition programs for senior citizens and reductions in the Women, Infants, and Children Program, and in all of the veterans benefits, go ahead and do it. We will debate it all. But this is an effort to essentially close off debate, not be accountable. I say to my colleague from South Dakota, the political part of it that I think is worst of all is those who are playing this game—and I hope it is very few, so they will back off—know the President will veto it. He would have no other choice. But then people are still waiting back in our States.

So we urge our colleagues to please not go forward with this proposal. I cannot say anything more important right now. I say to my colleagues from Georgia and Wyoming, it is not the debate you and I will really soon finish up. But I know if you were out here and it was your States, you would be saying the same thing. Please, just get a disaster relief bill through, and then whatever you want to add or debate by way of priorities on the budget, or wherever you want to cut, or whatever, we can debate that. But don't do it on a disaster relief bill. Please don't add this continuing resolution onto a disaster relief bill. Please don't junk it up. Leave it the way it is. Let's try to get the best possible assistance program through the Senate and the House. Let's try to get relief to these people.

These people are really down. But in our States we have seen the worst of times bring out the best in people. It is just amazing. We were talking about volunteer efforts. It is amazing the number of people who were sandbagging and who have taken strangers into their homes, and the number of people who have done food drives, and the number of people who are helping in every possible way. But it is really hard; it is really hard when you have been flooded out of your home, when you have had to leave your community. We need to give these people some hope now. The best way to give them hope is to try to get some of this assistance to the people.

The reason I speak with some indignation is that I thought we were going to be able to move forward. I hoped we would be able to move forward Thursday in the Appropriations Committee. There are two different issues. No. 1, we have to make sure we have categories of assistance that provide the help to individual people. We have to have the flexibility and we have to give enough money to help people get on their own two feet to rebuild their lives. No. 2, we have the threat of adding a continuing resolution, which is a huge mistake. It is playing games with disaster relief. It is playing games with the agony of people. It is playing games with the pain of people. It is playing games with families in our States. It is profoundly mistaken, it is profoundly wrong, and I hope whoever is thinking about doing this will please not do it.

Mr. President, I thank my colleague from Georgia for letting me speak.

I yield the floor.

Mr. COVERDELL. Mr. President, I want to make it clear that the proposal that is before the Senate is a motion to proceed to S. 543, which is the Volunteer Protection Act. I will work right off the comment of my colleague from Minnesota that we should not be playing politics or symbolism for something that is as central and fundamental as trying to respond to people in need. The very volunteers he talks about, this legislation applies to them. In fact, the Senator from Kentucky earlier today referred to the problems involved with his floods. As you know, my State suffered a 500-year-level flood from Hurricane Alberto, 200 miles long and 200 miles wide, as it marched throughout the State. I hearken to the point that the Senator made, that sometimes the worst of times produces the best in people. I don't think anyone has ever been through any of these that have not seen, with great admiration, the spontaneous response of neighbor to neighbor, American to American.

The legislation before us ought to be managed, in my judgment, in about 2 to 4 hours. It is 12 pages long. Its concepts have been before the Senate for 12 years. Yet, we are in a filibuster over whether to even be able to debate legislation that, certifiably, is directed at the very people the Senator from Minnesota is talking about, and that is the thousands upon thousands of volunteers from his State and from other States. That is another key point. I know right now—I don't know the number—that there are thousands of volunteers in your State and others' that don't live there. They have come from other States, which is the very point that we have been making. The context of parameters around the protection of good people just trying to respond is a national issue.

Mr. WELLSTONE. If the Senator will yield for a question, I want to ask this question of the Senator because I have to leave soon. I didn't want to walk out because he makes a very important point. Would the Senator agree with me that it would be best if we could come together as two parties and work out these disagreements when it comes to what is going to be on the disaster relief bill or when it comes to Alexis Herman or judicial appointments, that we can work out an agreement and stop basically leveraging different pieces of legislation? I don't agree with the Senator on some substantive grounds. But I am sorry the Senator is caught up in this. I mean that sincerely. Would he agree with me that we really have to come together and work these things out? Because I understand the Senator's conviction about this particular piece of legislation, but I also hope that the Senator will understand my conviction about the mistakes of now adding a continuing resolution and trying to put into effect all sorts of budget cuts onto a bill that

should be a disaster relief bill. Does the Senator agree that we need to get away from all of this?

Mr. COVERDELL. I think there has been great discussion in this 105th Congress, I say to my colleague from Minnesota, about a bipartisan effort. That does require a give and take. Right now, it would appear that in several quadrants that is difficult to achieve. I have served in the legislative body an extended period of time, and I think what the Senator points to is always the laudable goal and what all of its Members should reach for. I am sure the Senator from Minnesota will agree. I am not surprised that, from time to time, very powerful interests and emotions cause these kinds of strenuous areas. I commend the Senator for being attentive to the needs of his State. It is exactly what he should be doing. I have been there myself. I hope that as we move through the week, the resolution of the issue which he addresses can be accorded. I appreciate the interest in the legislation.

Mr. WELLSTONE. I thank the Senator from Georgia. I say that I am interested. I don't agree with him, but I understand exactly why he wants to move forward.

Mr. COVERDELL. I understand your caveat.

Mr. President, we have been joined by the Senator from Pennsylvania, who, I might say, has been at the forefront of a concept called the "renewal alliance." Even before this legislation was put together, the Senator from Pennsylvania and others—and I have been pleased to be a small part—have been engaged nationally, not just in Pennsylvania, in reaching out, just as this summit did in Philadelphia, and tapping the compassion of the American volunteer on all levels to confront some of the most difficult problems with which our country is beset. It is entirely appropriate, and I am very pleased that he would take time to come to the floor and talk about what the Volunteer Protection Act means and does for the very effort that he and these other Senators are pursuing.

I yield the floor to the Senator from Pennsylvania.

Mr. SANTORUM addressed the Chair. The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. I thank the distinguished Senator from Georgia for his kind words and congratulate him on many counts. No. 1, for this piece of legislation. And while this piece of legislation has been around in various forms for quite some time, one thing it never had on its side was PAUL COVERDELL in a leadership role.

One thing I found out about this place is things happen when people have the energy, the enthusiasm, a good plan, a good game plan and a willingness to work hard to bring the issue to the fore, and PAUL COVERDELL does

that with every issue I have ever seen him engage in. He has taken this issue and plucked it out of obscurity and driven it to the front here at a very appropriate time.

And so the Senator's sense of timing is magnificent in bringing it up here at a time when many of us, who just yesterday were in Philadelphia at the volunteer summit, were very moved by what was going on there, excited about the opportunity. I had a tremendous opportunity personally to have a good, long talk with Harris Wofford, who, as you know, I succeeded in the Senate. We had a really delightful conversation about how this is a project that, while we may be apart on very many things, we can find common ground on and work together on. In fact, we worked together a lot on the summit, to make sure that a lot of the small organizations, small charitable organizations and nonprofits were included. We understood the significant role that they play in the nonprofit community of America, the volunteer community of America.

So we saw a lot of coming together—right, left, Republican, Democrat—in Philadelphia. It was a wonderful experience. Bringing this bill to the floor was a hope, I guess, on the Senator's part, and certainly on mine, that we would see that spirit continue in the new Capitol of the United States, not where it all started in Philadelphia.

It is unfortunate that we had a failure with this cloture motion today just to move to the bill. I think it is in some ways disturbing. We have in a sense solidarity going on on a subject that is at the core of who we are as America. I think we had a coming together, an understanding of the need for all of us to go beyond ourselves and look to each other and look at our brothers and our sisters and our neighbors, at their needs and the needs of our communities in fulfilling the promise of America. That was so clear in Philadelphia and yet becomes somewhat murky and cloudy here on the Senate floor, of all places, where it should be critically clear that is in fact the prerequisite to success in America.

It is disturbing, but I am confident, as I am sure the Senator from Georgia is, with continued effort we will bring to the American public, as we try to do this afternoon and hopefully will do in the next several days, the importance of this particular piece of legislation in making what is going on in Philadelphia a reality.

I heard the Senator from Georgia, the Senator from Indiana, the Senator from Kentucky, and others talk here about the importance of this legislation to so many nonprofit organizations all across this country. I could speak for Pennsylvania because that is where I have done the majority of visiting nonprofit organizations that serve the needs of communities, the team mission in the city of Chester in Delaware County, where I was just a few weeks ago, and I asked about the

issue of the costs associated with liability insurance.

The director there told me that his costs have skyrocketed in the last few years and now he is paying tens of thousands of dollars for liability coverage for his board, just a nonprofit board of well-meaning people in the city of Chester who want to serve in a capacity of helping, promote, organize, run, operate a mission in the city of Chester which has gone under some very tough times over the last several years. They are expending thousands and thousands of dollars on liability coverage to protect themselves and their board members, and they have trouble getting board members and, frankly, have trouble sometimes, as I have heard from many other shelters and many other places, getting people to make a commitment, whether it is a volunteer commitment, whether it is a commitment of resources of some sort, whether it is equipment or loaning people a car or other things. They are scared to death of getting sued; we have become so litigious as a society.

The Senator from Georgia has come forward with a great idea of saying let us at least focus on something that is noncontroversial, the human capital involved in serving our fellow citizens, the volunteer, whether it is the volunteer board member or the volunteer out there, big brother or sister or someone else. I would think of all the proposals that we have put forward—in fact, just last year we put forward a proposal in the same kind of genre. We had a bill which was called the Emerson Good Samaritan Food Bank, named after Bill Emerson, a late Congressman from Missouri, who was a tremendous champion for hunger in America, for feeding of the children of America. Shortly before he died last year, the bill passed in the House, and I was privileged enough to carry that bill here to the Senate and finally pass it on the last day, but I will tell you it took weeks, maybe even months—my memory is a little faded right now, but maybe even months—to get that bill which passed unanimously in the House even to be voted on here on the Senate floor. One Senator or another kept putting holds on this bill.

This bill was very simple. It said if you give food to a food bank, we are going to raise the standard from negligence to gross negligence. A lot of States have done similar kinds of measures, some have not. This was a voluntary thing. We had a statute on the book—it was not a statute, but it was a suggestion to States with language to do this. It was not a law that required them to raise the standard from negligence to gross negligence. The special interests lobby that has been debated here often on the Senate floor today found one Senator after another to block it, to try to amend it, to gut it, to do everything they could. And finally several of us got together and said certain things aren't going to happen around here that did not hap-

pen before we left, that if it did not get through, we were going to get up on the floor and start exposing Members of the Senate who were putting holds on this bill and tell them, you want to feed the hungry but you do not want to allow those who process food and who sell food, whether it is in restaurants or grocery stores, to give it, because surveys showed 90 percent of the people, companies, organizations that refused to give food to food banks refused because they were afraid of legal liability, yet not one person had ever been sued, not one person had ever been sued or taken \$1 out of any lawyer's mouth. And yet they still held the bill up.

Well, now we are talking about areas that people actually do get sued, and so we have the special interests out in force to stop this piece of legislation. And they were successful in convincing enough Members on the other side of the aisle to do just that. I think that is unfortunate.

This issue goes beyond the issue of just voluntarism in its broadest sense. I think you have to understand—and again this has been highlighted in Philadelphia but I think needs to be highlighted here—the importance of voluntarism and community organizations, what DAN COATS refers to as the mediating institutions in our society, those that are the buffer between the individual and the Government, those just in free association to help each other out in our own communities to solve our problems and to be that sort of close-knit group that really makes things happen on a local level. Those mediating institutions, those nonprofit groups, those civic associations are so important for our survival as a country.

We are a great country for a lot of reasons, but I can tell you that most people do not think we are a great country because we are the greatest superpower, we are the greatest economic power, we have the greatest, most powerful Government. Most people come to this country because they want to get out of a country that has a powerful government that dictates to them. They come to this country because they want to freely associate and raise their family and have the freedom to work where they want and solve their own problems in a community setting. Voluntarism is key to making that happen.

It is so important for us as a society to recognize, to lift up the volunteer as really the unique thing about America, the unique thing. The unique instrument by which we govern ourselves is that small organization that solves most of the problems in our community. Not the big Government, but those small, local organizations with the volunteer participating that solves the problem but does even something more. It brings out the best in the individual, the volunteer.

Most of the people here volunteer for one thing or another in their lives.

How many people, when they volunteered, left that assignment, that mission, that duty, and as they are walking out say, "You know, I helped somebody. But, you know, I got more out of it, I am sure, than that person that I helped got out of it."

See, voluntarism is not just about helping somebody else. It is about understanding more about yourself, it is about broadening your own horizons. It is about a real fundamental understanding of what your purpose is as an individual in our society. So, to the extent that we put barriers up to people experiencing that growth, their own personal growth, as well as a barrier to meeting real human needs, we are all—those who need the help and those who are not participating in helping—both lose. And what we have seen, and you have heard all the numbers and all the statistics—you have seen how this problem, this barrier, is a real barrier. This is not something that we cooked up and said, "Gee, let us just throw something out here to really honk off the other side." This is a real barrier.

We heard Lynn Swann talk about it from Big Brothers and Sisters. We heard Terry Orr, former Washington Redskin, talk about it from Little League. And Senator COVERDELL has read letter after letter at hearings, and others—we know the volunteer organizations tell us, plead with us to give them some breaks here. They need this relief if they are going to serve their duty, their mission, as well as ennoble the people who volunteer, get us to connect with each other.

One of the great things, and reasons I am so excited about the Project for American Renewal and the Civil Society Project that Senator COATS and Senator COVERDELL and Senator ASHCROFT and Senator ABRAHAM have been working on here in the Senate, and Congressmen WATTS and TALENT—I want to mention Senator HUTCHISON, who has been very involved—and Congressman PITTS—I could go on. But the most exciting thing, in focusing in on trying to empower the local communities, the nonprofit organizations, to do more, is—yes, they do it better. No question. They are more caring, more compassionate. They do it better, they do it cheaper, much more efficiently. They are volunteers. They have people who do this because of real motivation, inner motivation—in many cases spiritual—but true, true inner compassion, not because it is a paycheck. Not to say those who do it because it is a paycheck do not have compassion. But that volunteer spirit just comes through and people understand it. That is important.

But the most important thing that it does in my opinion is it reconnects us. One of the things I really fear about our society is we are becoming less and less connected to each other. You know, you can sit in front of a computer terminal right now and basically live your entire life without having to move. You don't have to go outside.

You don't have to know who your neighbors are, or the people down the street, or go to church. You can do it all through television or through your computer.

So we end up, as a society, that people—I am all for individualism. I think individualism is great. But, you know, we hear so much about individual rights and individual freedoms and all that stuff, we forget about the responsibility that we have to each other and our neighbors. This is a way to begin.

All these things are in Senator COVERDELL's legislation. I have introduced several pieces of legislation along the same lines that I hope someday we can bring up. I have not brought them up on this bill because I think this is so important that we move this forward, but we have other pieces of legislation I have introduced to encourage people to participate, to connect again, to get outside of that door. There are people who need you and, whether you know it or not, you need them.

To the extent we, here, in the U.S. Senate can remove a barrier, can say: Look, don't be afraid of helping. Don't be afraid of asserting yourself. Don't be afraid that someone, Big Brother or big lawyer is over your shoulder, looking down at you, analyzing everything you say and do. Go out there and follow your heart, do what you know is right for your community and for the kids. The summit focuses so much on kids. A lot of the folks we are going to be helping are kids or the elderly—people in need.

So, what Senator COVERDELL is doing, what we are trying to do with the Renewal Alliance, is to empower those local groups to bring down the barriers that stop them from serving more people, to bring down the barriers that are almost in front of people's doors so they do not go out and minister to the needs of their neighbors much less—I should not even say that. In some cases they do not even bother to know who their neighbors are. They just do not want to get involved. "There are all sorts of things that can happen to me if I get involved."

We have to be a country that stops thinking like that. Look, I am not suggesting people do not have legal rights, that if they are harmed they should not have rights and recourses. And we preserve that in this legislation. We are saying, if you are grossly negligent or you are reckless in your conduct, you can be sued. And the organization, no matter whether the conduct was negligent or grossly negligent, could still be sued. It is just the individual volunteer, if they happen to do something maybe they should not have, or said—I said something I should not have. I did not mean any harm. It was not reckless, but I just threw a baseball at somebody and the kid didn't look.

Hopefully, I will not get sued. I did not mean to hit the kid. But, believe it or not, people get sued for that. It is

those kinds of actions, those kinds of lawsuits that have such a chilling effect on the human nature that is so typically American, to give, to go out and meet the needs of the people.

So, I congratulate, again, the Senator from Georgia for his tremendous leadership. I cannot say enough, that this bill is where it is today and we are moving forward with this, because of his energy, his enthusiasm, his vision in moving this forward. I stand ready to help him every step of the way to make this happen. I think this is important in bringing down those barriers. It is important in building a better, more civil, more responsible, more compassionate, more connected society. To the extent we can make some little contribution here in the U.S. Senate, we should do so and we should do so immediately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. If the Senator will yield for a moment; earlier this morning there was discussion, almost because we are Republicans, about the national application of the act. And of course we have explained the national proportions of it, that volunteers are mobile. They are going into Minnesota and North Dakota right now. These organizations have national application.

The Senator mentioned the Emerson Act. For a point of clarification, that legislation, which you struggled through and you were fighting the same kind of forces that we are here, had national application.

Mr. SANTORUM. That is correct; it was.

Mr. COVERDELL. In other words, we have established the precedent in this area.

Mr. SANTORUM. In the past year, I might add, we passed it by unanimous consent; without an opposing voice, in the end, to getting this legislation passed. It had national application. The reason is it was clearly understood that these products travel, just like volunteers do, over State lines. There are companies that are multinational, not only multistate but multinational companies that produce goods, food products. If there was a chilling effect on one side, they would probably have a uniform policy against it. So we understood the nature of the goods involved and, obviously, Members on the other side of the aisle understood it also and went along on a unanimous vote and it was signed by the President.

So, it is now law. I can tell you from the experience that I have had, talking to those at the soup kitchens and food banks, contributions are up. And I am somewhat surprised, because most of the places I go to, oddly enough, do not even know we passed the law. Most of those at the soup kitchens and food banks do not even know they can now tell the grocery store or restaurant or pizza parlor, that maybe has some extra pizza there at the end of the day



or whatever, that they can ship it over here and you do not have to worry about a serious legal liability.

It has gone up. It is just by some of the folks who happened to pick it up. I just suggest, for, hopefully, those listening here, and for those Senators in particular listening, we did something in Pennsylvania as a result of that just recently, where we sent a letter out to all the different food banks and soup kitchens in my State to inform them of the legislation, to encourage them. And, in fact, I even offered to write the different grocery stores, food processors, and the like in my State, to encourage them.

We have a duty here, as leaders in our community, to try to effectuate that change. But, it was a long answer to the Senator's question, but I do so because I want to emphasize, not only did this pass bipartisanship, signed by the President, but it has already had a positive impact even in the first 2 months, the proportions of which I don't think we know yet because I don't think the information has been disseminated to all the parties who could benefit from this knowledge.

Mr. COVERDELL. The reason I asked the question was, first, to deal with the question brought up this morning about the importance of national policy with regard to—I mean, the summit was not about volunteers in Pennsylvania. The summit was about volunteers in America. This legislation is designed to protect volunteers in America.

I will close with this and yield to the Senator from Missouri. Imagine, if you would, Senator, what will happen when Little League Baseball and United Way and the American Red Cross can stand up and say, "come on, volunteers. We have removed a major impediment for you to come forward."

Given your example, you can imagine. We will be freeing up America to get back to what it has always done so well, volunteering, and responding to that eloquent address you heard in Philadelphia from President Clinton.

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I commend the Senator from Pennsylvania and the Senator from Georgia for talking about very important things that relate to the way in which we will operate as a nation, whether we sink or swim, whether we survive or succumb in the next century. I do not think Washington is the answer to the problems of this country. I don't think it is Wall Street. I think it is Main Street. It is how we respond to issues as people, what the character of America is.

I believe we have the right character in this country. It is historically understood; it has been recognized by people around the world. Other countries don't solve problems the way Americans do, and, frankly, they don't solve them as well as we do. They reserve to Government, to the heavy hand of bureaucracy, so many things that we just

like to roll up our sleeves and attend to ourselves.

We have to be careful that our system of resolving disputes does not impair our capacity to release the energy and the creativity of the problem-solving nature of the American people.

Over the last 30 or 40 or 50 years, we have seen a constant creep of Government and of rules about dispute resolution that has made it harder and harder for individual citizens to be involved in doing good, which is really the character of this great country.

Alexis de Tocqueville, whose ride through America 150 years ago is being celebrated by C-SPAN this year—as a matter of fact, they are duplicating it—put it this way: America was great because her people were good. It wasn't because we had the corridors of the bureaucracy in Washington well populated, or it wasn't because the Congress was a particularly strong or effective body. It was because people were good. He talked about the fact that people formed associations and formed groups and alliances for almost every purpose in this country because free people, when they see a need, meet the need. That is what we want America to be.

We have had so many problems recently where we found that our system for litigation has made it hard for people to solve problems. As a matter of fact, the Gallup organization conducted a poll in which it found that one out of every 10 charities surveyed said they have had trouble with litigation and it has caused people to refuse to serve on their boards of directors and the like.

Frankly, a number of States responded to that poll, and they enacted protection for the people who are on the board of directors of the Red Cross, or the board of directors of the United Way. That was an appropriate thing to do to protect those individuals. But the average neighbor of mine is not on the board of directors of the Red Cross. My average neighbor and my own activity have more often been just in the volunteering capacity, doing the work, driving the Meals on Wheels. I have driven Meals on Wheels routes over and over again. I wasn't on the board of directors.

It strikes me that it is appropriate to protect the folks on the board of directors, but how about the volunteer? It is OK to protect the silk-stocking folks in the boardroom, but how about the person on the front line? How about the coach of the Little League, one of the cases I previously mentioned, that was shocking to the conscience of the American people. As a matter of fact, it still almost strikes me as being humorous, the case in Runnemede, NJ, 15 years ago.

The coach sent the kid from shortstop to left field. The mom protested: "He's a born shortstop, not a left fielder." A fly ball came. The kid missed it, the ball hit him in the eye, and the coach got sued.

Mr. President, we cannot have the value of male role models—and we

need them desperately in our cities and our communities—and the discipline and sense of teamwork that sports provide to help people develop and have a situation where a mom can say, "Well, my son plays only shortstop and not left field, and if you put him in left field, you'll be the victim of a lawsuit."

I have also talked about the fellow who was the Scout leader in the Northwest, with the Cascade Pacific Council, and the boys who were playing touch football. I suppose they must have proven he was negligent for allowing the boys to play touch football. I don't think our Scoutmaster could ever get us ratcheted down below flag football. We wanted to play tackle football. Here the restraint had been exercised to play touch football, and the scoutmaster ends up with a \$7 million judgment against him, because he cared enough about the young people of his community to volunteer. Yes, the courts did reduce the judgment from \$7 million to \$4 million. Well, for most folks, \$4 million isn't much better than \$7 million.

It reminds me of the first time I got sued. I called my wife Janet. I said, "Good news and bad news."

She said, "What is the bad news?"

I said, "We've been sued."

She said, "What is the good news?"

I said, "Well, it is for \$65 million."

It wouldn't make much difference if it was for \$650, we didn't have it.

The point is, you have folks willing to volunteer, to extend themselves, to reach out and say, "We care for those beyond our own circle," and this is what makes America America. American communities are not defined by boundary lines and streets. They are not defined by geography and statute books. They are not defined in the property records. American communities are defined in the hearts of Americans because they are groups of people who love each other. That is probably a word some people would blanch at, someone saying on the floor of the Senate that we love each other. But that is what we mean when we say, "I'll help your son or daughter be a part of the team or scout troop," or "I'll help them be a part of the soccer team. I love this community, and I'm willing to invest myself in it."

What is the price tag for investing yourself in a community now? We have a legal system that may make the price tag your own children's college education, or your car, or your house. A \$4 million judgment for being a Scout leader and for somehow not stopping a touch football game among boys? That is a pretty stiff price tag to pay.

I am reminded of the case in Evanston, IL. The Junior League wanted to set up a shelter for battered women. No insurance company would insure them. What happened? The shelter didn't happen. The insurance company said, "You have to run the shelter for 3 years before we will extend coverage. Because of the litigious nature of our society

and everybody suing everybody, even the people you are trying to help turn around and sue you, and since our court allows it, we won't insure you until you have had 3 years of experience showing us you can run the shelter and what the risks will be."

We are still waiting for the 3 years of experience, but we don't have the shelter. We are out of whack, and we need to readjust this. We need to put it back in a framework where ordinary citizens can offer themselves. This isn't something that is localized or just a tiny fraction of the country. It is all across the United States of America.

Here is a statement from the president of the United Way of San Francisco. I believe this was a couple of years ago:

As fear of lawsuits drives away volunteers, it does more than threaten or lower the number of people available to charity. It threatens to bureaucratize organizations known for their hands-on approach. It would replace the personal touch with the impersonal touch of organizations afraid to be different.

Here is an interesting article, entitled "A Thousand Points of Fright?" Not a thousand points of light. We do need for people to be points of light. I didn't think a thousand points of light was corny. I thought it was the character of America. I thought it reflected what is great about this country, the fact that we care for each other, we literally love each other enough to put aside some of our own ambitions, to set aside some of our own time to make some sacrifices. But should we make the sacrifice the ultimate sacrifice? Should we make it so that you have to risk everything that you and your family stand for?

The article says:

Lawsuit fears are dampening enthusiasm for volunteers, and the White House is beginning to take notice.

I am grateful the White House is beginning to take notice. I was in Philadelphia on Sunday and on Monday, and I commend the President. I think inspiring us to be the very best we can be and to help each other in this culture is inspiring us to be what we ought to be as Americans. But it takes more than inspiration, especially in the context of litigation, where we might face the potential that we would make it impossible to provide for our own families, to see to it that our children have what they need, just because we cared enough about our community to do something special, something extra.

The proposal before us says if you want to volunteer, we will provide an opportunity for you to do so in a context of reasonability. It simply says you are not going to be responsible for harm while you are delivering those services in a reasonable way. It does not relieve the organizations of responsibility. It just says that the volunteer himself or herself will not have to give up his or her family's potential in the next weeks, months, years, or decade or so, or whatever it is that would result from an extraordinary judgment.

Over and over again, whether it is the "A Thousand Points of Fright?" article, whether it is the president of the United Way of San Francisco, whether it is the story about Runnemede, NJ, and the Little League or the story about the Cascade Pacific Council and the Scoutmaster with the \$4 million judgment, we know there is a problem, and we ought to do something about it.

We know there have been some things done, mostly to protect people in the board rooms and on the foundation governing bodies. But what happens to the average American who is not on the board but just a person who cares enough to give some of his own time or her own time, the most valuable thing?

Perhaps more, in terms of the children of America—and the conference in Philadelphia focused on children—the thing that we lack the most is not money. The thing we lack the most for children is relationships. The Government has been spreading a lot of money around for a long time, but the kids are without role models, they are without relationships, they are without the opportunity to learn from adults. I think it is time for us to begin to provide a context in which that relationship can reappear, and that is what this bill is all about.

This bill relieves volunteers of liability for acts which they would conduct in the course of doing what they were asked to do by charitable organizations. As it relates to the charitable organizations themselves, it establishes rules that would limit the kinds of cases in which there would be punitive damages and limits certain kinds of joint and several liability which provides a basis and a context in which we can expect to elicit far more help for people who need help in America.

It seems to me that that is something we ought to pursue, and I think it is consistent with what the business of this body, representing the people of America, ought to talk about.

So I am pleased to commend Senator COVERDELL of Georgia for submitting this outstanding legislation, and I hope, as we work to make it an avenue for helping people help each other, that we will do the kind of job which will allow us to look back with gratitude on people who are able to help one another without the threat of a legal system making it impossible for them to serve.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary status at the moment?

The PRESIDING OFFICER. The question before the Senate is the motion to proceed.

Mr. KERRY. I thank the Chair. I will speak for a few moments on the motion to proceed.

Mr. President, I would like to comment, if I can—I was sitting here actually thinking about some other remarks—but I want to comment on the

remarks of the distinguished Senator regarding voluntarism and sort of the special spirit of America that we talk about, which many of our colleagues in the Senate fall back on as a place to suggest we can deal with a lot of these problems of children.

I heard my colleague say that it is really not a problem of money, it is not a problem of resources; what we need is this special spirit, we need to tap into this spirit.

Mr. President, I am all for tapping into that special spirit, but I have to tell you, in too many communities that I visited, it is also a question of resources.

I mean, I went to the middle school in Charlestown the other day with the drug czar and asked a bunch of kids in the middle school, aged 10 to 14 years old, what time they leave school. They said, "Well, we leave school at 1:30 or 2 o'clock in the afternoon." And then I asked them, "Well, how many of you are home alone with nothing to do, with nobody at home, no parent between the hours of 2 o'clock and 6 or 7 in the evening?" And 50 percent of the hands went up, Mr. President.

I then asked, "Well, how many of you have access to an afterschool program, Boys or Girls Club, parenting, or some sort of program?" Well, they did not. More than 50 percent of the very same kids who had to go to a home that had nobody home raised their hands.

You know, we can talk about the special spirit of America, and we can talk at great length about the capacity to be able to tap into voluntarism. But first of all, volunteers have to be organized. Volunteers have to be trained. I mean, volunteers cannot just show up one day and say, "Hey, I'm qualified to take care of a kid who is an infant or a toddler or kids in the middle school" and not know how to show up at the school, not know what to do, not even know if there is a program for them. Somebody has to work through that process.

In a lot of communities we are lucky enough to have some entities that try to do that. But I can show you a lot of communities where, despite the fact that they have the entities that are trying to do that, they are just absolutely overwhelmed by their lack of private resources and private commitment and private individuals to be able to reach out and grab these lives and bring them back from the precipice.

I do not want the Government doing it. I am not suggesting that we are better off having some big Government program come down and do this for those things. But I am suggesting that unless you empower some of those entities at the local level with the resources necessary, this is all one great farce. It is a masquerade.

In Brockton, MA, we have 22,000 kids under the age of 18. We have a converted armory in Brockton that is their Boys and Girls Club. I have been there many times talking to their peer leaders who tell me that for the 2,000

kids who get access to it, it is very helpful. But then you ask the question, the really pregnant question, what happens to the 20,000 kids who do not get access to it? And the answer is, they are hanging around the streets.

So, you know, I mean, does anybody in America believe that voluntarism is going to rescue a generation where almost four-fifths are out there, outside of access to these kinds of entities? And to make matters worse, I can take you to school district after school district where they have shut the library or it is part time, where they no longer have a sports program, they no longer have arts and music, and they no longer have even some remedial programs for some of these kids. I can take you to schools where they Xerox materials because they do not have books.

So we can talk about sort of, you know, all this, quote, "thousands of points of light" and other kinds of things. But the fact is—I am going to say a lot more about this in the next days—the fact is, there are some fundamental responsibilities that we have to try to deal with on these things, and we are not living up to those responsibilities. I would like to empower the YWCA, the YMCA, the Boys Club, the YouthBuild, City Year, and thousands of organizations and entities out there.

But, Mr. President, we cannot meet the demand. And not one of them have sufficient resources—not one of them. You can go to YouthBuild in Boston and find 80-some kids coming out of the court program, coming out of gangs, coming off the streets, the very thing they are talking about. Some adult is finally coming into their life to give them some kind of affirmation, some kind of self-esteem for the first time in their lives, but it is happening because of a dollar that has been decided to be spent here. And for the 80 kids who are in the program, I will show you 400 who are not. So you can decide, you know, how you are going to decide telling which 400 get what, which 80 get what.

For all the rhetoric in this country, the bottom line is, Mr. President, we are not living up to our obligations in order to provide the fundamentals of child development and child growth. And that is the great debate for this country.

We have one child every 8 seconds who drops out of school.

We have one child every 10 seconds who is reported neglected or abused.

We have one child every 34 seconds born low weight.

We have one child every 2½ minutes arrested.

We have one child every, I think, 2 hours or 2½ hours shot by gunfire.

And we have one child every 4 hours who commits suicide.

And what do we do? Well, we kind of are talking about it. We have this big thing going on in Philadelphia that will heighten some participation, I have no doubt. Some additional people will come and take part in some additional alternatives.

But there is no way we will sufficiently rescue a generation where 33 percent of the children of this country are currently born out of wedlock. It will take a massive intervention in the lives of rural and urban dispossessed and disenfranchised in order to help pull that back from the brink. The alternative is, we can wait 10, 15, or 20 years and pay \$55,000 per prison cell, or \$25,000 per drug treatment program, or deal with the disabilities that come from children who do not get to see a doctor when they have asthma when they are young so they wind up with permanent disabilities here or any of the permanent disabilities that come from the lack of medical attention.

And 10 million kids in America have no medical care whatsoever. We are talking about children.

Half the kids who have no medical care who have asthma never see a doctor.

A third of the kids who have an eye infection or ear infection never see a doctor.

And we are the only industrial country on the face of this planet that treats its children this way. Notwithstanding the fact that we have seen the gross domestic product of this Nation double since 1969, we have seen child poverty increase by 50 percent.

So as we go on in this debate, Mr. President, I intend to come to this floor and make certain that we deal with the realities of what are happening to the children of this country. I cannot think of anything more important. And I think this is an important part of the debate.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. GRAMS. I want to take a little bit of time this afternoon to talk about voluntarism, the subject we are debating on the floor this afternoon, and to add to that a discussion about the supplemental disaster appropriations bill that we will hopefully take up this week, dealing with the flood waters of northwest Minnesota and northern North and South Dakota.

I think it is a shame a bill that is so plain and so simple and so necessary as the Volunteer Protection Act of 1997, or S. 543, has been stopped from coming to the floor of this Senate for debate. I think it is kind of ironic when you look at what has been going on in Philadelphia over the weekend, the talk of voluntarism.

You do not have to attend a conference in Philadelphia to find voluntarism, Mr. President. If you want to discuss that subject, you need to look no further than those Minnesota communities that have been so devastated by flood waters. In the Midwest we consider ourselves independent. We proudly celebrate our differences, yet we also take great pride in knowing that when our communities call on us, that we are very quick to come together. We have seen that happen so many times during the flooding.

I have heard some of my colleagues talk against this bill on voluntarism and how really we need a program of training because you have to have people trained in order to come in and perform adequate or good volunteer work. That might be true in some cases, but that does not get to the heart or the point of this bill. There is not much time to do on-the-job training when there is an accident, when somebody is caught in a burning car, when they have fallen off a bridge, or another disaster has befallen them such as the flooding of Minnesota.

In Moorhead, the dedication of our young people impressed me as they worked alongside their parents and neighbors in filling sandbags against the rising waters. They did not get training for that ahead of time. That was on-the-job training, something they had to do at the time. In East Grand Forks, an army of volunteers fed the hungry, found shelter for the homeless, and comforted thousands more as the Red River swallowed an entire community. People have been evacuated from their homes, people were moved out of nursing homes and hospitals. This was all done on an emergency basis, by volunteers who offered their help and their time. Again, they do not have time for training. They react to the situation that is needed.

In Ada, Mr. President, when the easiest thing in the world would have been to give up what seemed to be a hopeless battle against the rising river, nobody gave up. Over and over again, I witnessed simple acts of fellowship, demonstrations of stewardship, and above all, voluntarism, neighbors helping neighbors, and was reminded of the spirit that brought us together as communities and that will keep these communities together, I believe in the future.

Voluntarism is a lofty goal and it usually shows itself in times of emergency, but you cannot just pass it by mere legislation. The anguish that rose every day with the flood waters has not been confined to those communities along the Red River or the Minnesota River. That pain has been felt in every corner of my State, and Minnesotans have responded with a tremendous outpouring of not only sympathy, but real, tangible offers of help. The volunteers were there when we needed them. The telephones at the Red Cross and the Salvation Army have been ringing constantly as people asked where can they send donations. Thousands have called the State's emergency operation center to sign up as volunteers for the long weeks of cleanup to come. Scout troops are also pitching in, churches are taking up special offerings, schools and families from parts of the State not touched by the floods have offered to host students without homes and teachers without classrooms. That is the spirit of voluntarism that Americans are capable of.

Mr. President, I have come to the floor to argue and to urge my colleagues to support the supplemental

disaster appropriation, again, that we hope to take up yet this week in the Senate. The breadth of the flooding in Minnesota and the Dakotas has been difficult to comprehend. If you have not been there, if I had not seen it, I would not have believed that a pair of raging rivers could produce such widespread devastation. The cost has been enormous, both in the financial costs which may run well over \$1 billion just on the Minnesota side, and the emotional and personal costs to our fellow Minnesotans, many of whom watched their homes, farms, businesses, and basically their possessions just literally washed away.

I inspected the flood damage last week with President Clinton and also the week before with Vice President GORE. Without hesitation, they all assured me that the taxpayers of this Nation would stand with the people of Minnesota today and they would be there and remain with us until every family that had lost a home would have a home, and every life that had been turned upside down would somehow be righted again. Again, we cannot make everybody whole, but we need to be able to be there with whatever help and assistance we can afford. Senate majority leader TRENT LOTT made a similar pledge last Friday when he met with Governor Carlson of Minnesota and myself to talk about the promises that Washington has made, and promises we will make sure it lives up to.

It is imperative we bring the disaster aid legislation to the floor and we pass it this week. There are thousands upon thousands of Americans who are depending on us to meet our responsibilities and also to deliver the aid that we have promised.

To avoid Government's possible disruptions in future funding, we should also have a good Government contingency plan in place to make sure that the Government has the ability to continue supporting in the areas that it can, with aid and other supports. This is the way to ensure that the needs of our flood victims in Minnesota will be met now and will be met in the near future and in the long run. After all, the aid we are promising, the aid that we will debate this week on the floor, \$488 million that the President has requested for the Midwest flooding and the Red River Basin will only be 20 percent or 25 percent of what the long-term aid and dollars are going to be.

If we do not reach agreement that we will be able to keep the Government running to assure that the Government will be there in October, in November, they could be without the Government assistance they are depending on. This is good Government. It would help to take politics out of the process, because if we cannot come to terms on a budget agreement down the road, we cannot afford to have our flood relief efforts halted because of that.

Now, this is not playing games with the flood victims, as we have heard the charges here on the floor today. It

would cost no money. We are not asking for additional money. We want to put in place a process, and this should have been there last year, it should have been there 2 years ago, and it should be there next year if it is needed, this is not playing games with any of the flood victims, with their families, or their possessions or their future. This is to help guarantee that the aid and the help and the supplies will be there.

It is an effort to take politics out of the process, because if the budget debate that we have this year does not result in a total budget, we do not want any part of this Government to shut down. We want to make sure that the Government is up and running and that nobody—no Government service, no Government program, no Government employee, no people relying on those type of services—will be held hostage.

I am right now disturbed by the political gamesmanship that is already being played, talking about this, going on, while our constituents are out there waiting for aid, emergency aid, short-term funds and long-term, that we need to pass this bill immediately this week. It is the responsible thing to do, again, because the disaster aid today nor the Federal services, and again the programs and employees that we should keep funding, must not be held political hostage in the near future. So we have to make sure that we pass some reasonable and some good Government contingency plans along with this. I hope it is part of this bill. I hope it has overwhelming support to ensure that these obligations are met.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. I take a few minutes to talk about the Volunteer Protection Act and to respond to some of what I considered to be unjustified criticisms of the act which we have heard on the floor in recent hours.

As I mentioned yesterday when we began this debate, the Volunteer Protection Act will give our volunteers and nonprofit organizations who rely on volunteers some much needed relief from frivolous lawsuits that are filed based on the actions of volunteers.

All too often, while we ought to be protecting and encouraging volunteers—which President Clinton, Colin Powell, former President Bush, and others have done such a commendable job of encouraging in Philadelphia this week—we are, instead, permitting them to be subjected to baseless, abusive and unwarranted lawsuits. I spoke about many such lawsuits yesterday. I have also heard about others from community groups, nonprofit organizations, and volunteers in Michigan, and about various excesses along these lines.

Today, I respond to those who criticized this desperately needed legislation and to talk about some specific provisions of the bill which would ad-

dress any concerns that might have been raised with respect to volunteer protection legislation.

Perhaps most disturbing to me is that some opponents of this legislation tried to characterize it by claiming it would protect white supremacist groups and other hate groups. That charge is entirely unfounded. It represents an attempt by those who oppose all civil justice reform to distort this legislation.

I have to ask, Mr. President, how people could reach this conclusion. Frankly, I have to say that I find it offensive, as an advocate of this legislation, to have anybody suggest that we would permit such legislation to be brought to this floor.

First, by its own limiting terms, this bill covers not-for-profit organizations that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. Not every not-for-profit organization is organized for the public benefit and operated primarily for charitable purposes. I think it is clear that hate groups, even where they are not-for-profit organizations, are not organized for the public benefit and operated for charitable or civic purposes. Accordingly, they would not be subject to the limitations in this bill.

Second, the bill goes even further than that to ensure that hate groups will not be covered. The bill explicitly excludes from its coverage cases in which the misconduct constitutes a hate crime or in which the misconduct constitutes a civil rights violation. Thus, even if the defendant was associated with a group that was found to be a not-for-profit organization covered by the bill, there would be no limitation on the liability of the individual or the organization for hate crimes or civil rights violations.

Given the careful drafting of these provisions, it is simply a blatant mischaracterization to suggest that this bill would protect the Ku Klux Klan, hate groups, white supremacist groups, or any other horrible organization. Frankly, I find it very disturbing to even have this legislation associated with such hateful groups. Those groups would not be sheltered from liability, and any suggestion that they would, I think, is just plain wrong.

I also say, Mr. President, that using the kind of logic that could somehow link this legislation to such groups would allow us to say that if we provide benefits under Medicaid to people who belong to hate groups, we are trying to consciously subsidize white supremacist or hate group members. You could do that with any legislation. But we have gone the extra mile in this legislation to try to preclude those who are involved in hateful activity from being in any way protected by it.

I also want to respond to another criticism of this legislation. It has been suggested that we should leave this

area to the States. I agree wholeheartedly that the States should be involved in offering legal shelter to voluntary and charitable activities. The Volunteer Protection Act has in fact been carefully drafted by Senators COVERDELL, MCCONNELL, myself, and others to ensure that we permit the States to do so and that we strike the right balance of Federalism.

For example, in order to permit States to provide their own protections to volunteers, section 3 of the bill clearly provides that the Volunteer Protection Act will not preempt any State law that provides additional protections from liability relating to volunteers or nonprofit organizations. Thus, while the bill will set a standard in States without volunteer protections, it will permit the States to do more.

Section 4(e) of the bill further provides that a number of State laws concerning the responsibilities of volunteers and concerning liability for the actions of volunteers will not be construed as inconsistent with the act. I would like my colleagues to consider those limitations.

First, a State law that requires a nonprofit organization or Government entity to adhere to risk management or training procedures will not be inconsistent with the Volunteer Protection Act.

Second, State laws that make the organization or entity liable for the acts of the volunteer to the same extent that an employer is liable for the acts of its employees will continue to have full effect.

Third, any State law that makes a limitation of liability inapplicable if the volunteer was operating a motor vehicle, vessel, or aircraft will also continue in force.

Fourth, also continuing to have effect will be any State law making liability limits inapplicable in civil actions brought by State or local government officials pursuant to State law. That provision ensures that State and local officials will be permitted to enforce State law.

Fifth, the bill specifies that State laws will not be affected where they make a liability limitation applicable only if the nonprofit or Government entity provides a secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. That means that, in any example that opponents of this bill bring up and in any other case that occurs, the States will have the power to ensure that any injured parties will be compensated for those injuries.

I urge my colleagues to keep these points in mind as we debate the motion to proceed and when we get to the final point of actually considering the bill.

The Volunteer Protection Act, I also add, Mr. President, includes one other significant protection to ensure the proper respect for federalism. That is the State opt-out provision.

This bill explicitly provides that a State may opt out of the provisions of this bill in State court cases involving parties from the State. Under the opt-out provision, a State may elect to forego the volunteer protections in the bill, provided that a State enacts legislation in accordance with the State's constitutional and legislative processes. That legislation must cite the opt-out provision in the Federal legislation, clearly state an election to opt out, and contain no other provisions.

This ensures that States will opt out when they really do intend to do so and that volunteers will not be deprived of volunteer protections without the appropriate consideration of the issue by the State.

As I have stated before, I do not believe that any State will opt out of the provisions of this legislation, and I know of no State that intends to do so. Rather, the provision was included by the drafters, by those of us who support the legislation, as a matter of principle out of respect for the States.

Mr. President, I feel very strongly about litigation abuses in this country, and very strongly about fostering charitable and volunteer activities. President Clinton, General Powell, and others involved in the summit in Philadelphia are absolutely correct that we need to encourage the sense of community and charity that makes us so great as a nation.

I encourage my colleagues to consider this legislation in all its detail. It has been crafted very carefully by those of us who developed the Senate bill. We sought to strike just the right balance with the States and to offer protection only to the many worthy activities that should be protected, while at the same time protecting the rights of those who are victims. I commend Senators COVERDELL and MCCONNELL, as I have from the beginning, for their efforts, in the hope that we can proceed to the consideration and passage of this bill.

Mr. President, I will close by saying, as I did yesterday, that we often talk in this country about the extent to which the sense of community that binds us together has eroded in recent years. I think that is the case, and it is why so many of our constituents ask us to try to take action to rebuild the fabric that binds us together. I think the sense of community in America breaks down in no small measure because we have stopped looking at one another as neighbors and friends and we look at each other as potential plaintiffs and defendants. I believe this would not be any greater a case than when it comes to the activities of charitable organizations, whom we seek to address with the Volunteer Protection Act. If we do not take action to try to give volunteer organizations a greater opportunity to do their good deeds, I think we really will have set back efforts to build a stronger American community.

For that reason, I sincerely hope our colleagues will join us in supporting this legislation.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Michigan for his many contributions—not just the comments today, but the many contributions he has made on behalf of the act and on behalf of the outreach I spoke of earlier to involve citizens, and the renewal alliance, and all of the other work he has done. I appreciate him being here.

Before he leaves, I want to thank him also for specifically referring to the suggestion, which I characterized as “very disappointing” this morning, that this legislation somehow gave undue protections to the Ku Klux Klan. I thought introducing that in an attempt to make some legitimate criticism of this legislation was inappropriate. I am appreciative that you would come with your legal background and point out, as I have tried to do—perhaps not as effectively as you have—how totally inaccurate that assertion was. I appreciate that.

Mr. President, if I might take a moment, we are discussing a proposal to bring the Volunteer Protection Act before the Senate. We are trying to get to the point where we can consider the legislation, and there is a filibuster being conducted to prohibit it.

It has been said all day long that it is of the utmost irony that the party of the President, who spoke so eloquently yesterday in Philadelphia on behalf of voluntarism, is consciously engaged in obstructing and preventing even the debate—we are not to the point of voting—about the Volunteer Protection Act, whose sole purpose is to make it more possible for volunteers to respond to the request of President Clinton, President Bush, President Carter, and President Ford for America to step forward.

Mr. President, just to read from a press release, it says:

Together with President Clinton, former Presidents, 30 Governors, 100 mayors, participated in a conference on volunteering. General Powell said, “As many as 15 million young Americans need mentoring to help them overcome the adversities they face. They are at risk of growing up unskilled, unlearned, or even worse, unloved.” General Powell said, standing outside Independence Hall, the birthplace of this Republic, “They are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all.”

Mr. President, we have heard from Little League Baseball, from the Red Cross, from boys clubs and girls clubs, from United Way, from former athletes who provide excellent role models for our young people. Just 2 weeks ago, Terry Orr of the Washington Redskins, standing before the world, said that he cannot get volunteers to do the very work that General Powell is alluding to here with inner-city kids, without first confronting a barrage of questions from the volunteer he is trying to recruit, the current rookies, without

having to confront that rookie's attorney to determine how much risk is the volunteer going to face, how much threat is there to the assets of that volunteer's family.

This legislation before the Senate, being filibustered before the Senate—and just another word on that. We have heard all day long about the holding up of the nomination of Alexis Herman. We have heard about the supplemental bill. We have heard about everything except allowing us to move forward with a 12-page bill that very simply makes it possible for a volunteer not to be free of willful or reckless activity or gross negligence but to be free of making just a mistake or omission in the act of being a volunteer—12 pages long. You would think we were rewriting the Constitution of the United States.

It was suggested, well, this was brought up just because of the volunteer summit. Right. That is exactly why it is on the calendar today, so that there can be a congressional response to the call of the Nation's leaders, so that Americans can respond to the call of America's leaders. And I just find it unconscionable on two points, that we had an extended presentation which somehow would allege the authors of this legislation were protecting the Ku Klux Klan of all things. And I think a reading of any learned attorney would agree with the presentation by the Senator from Michigan that the legislation is carefully drafted. There would not be any protection to that kind of organization. And then that we would be confronted with a filibuster to keep us from trying to help fulfill the dreams and wishes of the summit and reinforce America's commitment to voluntarism.

#### CLOTURE MOTION

Mr. COVERDELL. With that, Mr. President, I regretfully—I say regretfully—send a cloture motion to the desk and ask for the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Rod Grams, Craig Thomas, Jesse Helms, Wayne Allard, Pete Domenici, Slade Gorton, Pat Roberts, Ted Stevens, and Olympia Snowe.

#### CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a second cloture motion to the desk and ask the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Pete Domenici, Wayne Allard, Slade Gorton, Pat Roberts, Ted Stevens, Ben Campbell, Olympia Snowe, Mike Enzi, and Spencer Abraham.

Mr. COVERDELL. Mr. President, of course, the purpose of these motions is to try to break the filibuster.

Mr. President, for the information of all Senators, in light of the failed cloture vote that occurred today, on the motion to proceed to the Volunteer Protection Act, I have just filed two additional cloture motions which call for the cloture votes to occur on Thursday of this week. Senators should be aware that a second cloture vote on this issue will occur on Wednesday of this week. Assuming our Democratic colleagues choose to continue to filibuster the motion to proceed to the Volunteer Protection Act and the second cloture vote fails on Wednesday, April 30, then these two additional votes would be necessary on Thursday. As always, the leader will notify the body when these votes have been scheduled during Thursday's session of the Senate.

#### MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO PATRICIA GRAY

Mr. KERRY. Mr. President, every one of us here in the Senate are very privileged to be able to do what we do at the request of the citizens of our State and with their trust. And we often get a lot of credit and occasional brickbats for it. But the truth is, none of us could do what we do without the capacity of able staff. We are all blessed with that. It is the way that we succeed, knowing what we know when we vote or being able to pursue some legislation that we pursue.

I have been particularly blessed to have an individual work on my staff since I arrived in the U.S. Senate, a person who came as my scheduler when I arrived in 1985, and who, until this day, was my scheduler. When I arrived here 12 years ago as a new Senator and

began to assemble a staff, I was extraordinarily lucky to be introduced to a person by the name of Patricia Gray, Pat Gray as she is known to those who have worked with her here in the Senate.

She came to me as a professional's professional, Mr. President. She had come to Washington a number of years before having been initiated into public service by one of the all-time great Senators, Paul Douglas of Illinois. After arriving in Washington, she worked for Senator Douglas, for Senator Hubert Humphrey, for the Democratic Congressional Campaign Committee, for a host of Democratic Presidential campaigns over the years, and for some other congressional offices.

She took important time off during her career at various points to give birth to and to raise two sons, and worked in both nonprofit and for-profit private sector organizations.

A complete recitation of her extraordinary career would require a separate speech. But let me just say that it was my extraordinary good fortune 12 years ago to have Pat Gray be willing to take a place in my office and help to create order out of chaos.

I realize there are a lot of people on the outside who might wonder, not having worked in close proximity to someone in public life, or even somebody as a high private official, why somebody would need sort of a full-time professional scheduler, and in the case of some offices I suppose more than one person. But literally, as all my colleagues know, it is a very special talent to be able to make people feel good who you have to say no to. And you have to say no.

It is a very special talent to be able to balance the scores of invitations with the schedule here, which we can never quite determine, to be able to balance the when and if as a Senator—you might be able to appear—without making people feel somehow that you are either indifferent or lack caring with respect to their concerns or desire to have you come. And we, all of us, receive hundreds of invitations, not only by the week, but by the days sometimes.

It is extraordinarily hard to contend with the need to balance 5 or 10 committee meetings in the course of a week, overlapping with votes that occur whenever they might occur, and to keep all of the people happy who you are trying to balance as that schedule changes. I really cannot think of a tougher job, while simultaneously trying to enhance an individual Senator's ability to be able to meet their legislative agenda, not to mention as all of us struggle so much with a personal life, our home agendas. So the absence of that very, very special talent is literally the absence of order and capacity in a Senate office.

For these past 12 years, Pat has applied her remarkable storehouse of information that she brought with her to Washington about the Congress, about

life here, about those who animate both this city and this institution. She readily acquired the same degree of sophisticated knowledge about my State of Massachusetts and those who animate our State and our politics and our lives. And she learned my preferences and patterns in personal and family needs and incorporated those into the schedule process. That is a very potent package, Mr. President. It is one for which many elected officials, for that competence, would give their right arm and leg in an effort to find that kind of person.

But I want to emphasize something. She brought a great deal more to the job than simply her capacity to be able to run the schedule. It is a special skill and it is a special knowledge. But I would like to just very quickly mention a couple of other very special traits.

First, she, among many people—and I have been blessed to have scores of people who have worked for me since I have been in the Senate—has a deep constitutional commitment to the principle that anything worth doing at all is worth doing well. No matter how long it took, no matter how early she had to come in in order to make it work, no matter what the complexity of the scheduling matter of which I or other staff members were depending on her to see us through, she saw it through.

I cannot begin to relate the number of days, Mr. President, on which when I arrived in the office—and I often arrive early—I found Pat there, the first person in the office and often, I might say, the last person to leave on the same day.

When I was flying out of Washington to Boston or elsewhere in the country, she was at her phone until she knew the plane had taken off, until she knew there was no delay, no cancellation, no crisis to rearrange. All who dealt with her and those who work in my office and those who work in other Senate or House offices or elsewhere in government, constituents in Massachusetts, and all others, knew her to be an utterly and remarkably dependable person.

It was her responsibility to make certain people understood. And because it was her responsibility, they did understand that they could depend on her. That is a very special brand of devotion, and I would respectfully suggest different probably from a lot of the mores that currently circulate at large in our country.

I also want to underscore that she did not just stumble into government by accident. This was not a place where she had to find a job. This was not a place where she wound up because she did not have the talent to find any kind of work anywhere else. This was a place that she worked for more than a quarter of a century with a purpose because she believed devoutly in the ability of this place to make a difference in the lives of other people and in the

ability of the democratic government, and more importantly, the fundamental responsibility of a democratic government to serve people.

Unlike those who hold the philosophy that government is just somehow inherently incapable of ever helping somebody, she believes intently that bureaucracy aside, government has the ability, well delivered, efficient, and well thought out, to be able to help people to do things for themselves, not to do things for them. I think that she also shares a deep belief that corporately good things can happen that improve the quality of life that individuals sometimes simply cannot do on their own.

She believes that government has, just as individuals have, a very special obligation to those who do not share the good fortune that others enjoy, and she particularly always shared and I think her work for Hubert Humphrey and Muriel Humphrey and Paul Douglas, and I hope she will feel for me, were part of her commitment to the impoverished, the illiterate, sick, elderly, the disabled, and those for whom life is hard in many ways, that others never know or know only in mild terms.

This foundation energized Pat Gray, and I think over all the years they gave her a stamina and the ability to persevere even when others would have thrown up their hands and walked away. It led her to spend her entire career in public service, when she really could have chosen a dozen other courses.

Recently, and to my benefit, Mr. President, that commitment caused her to remain at her post even after she was entitled to full retirement benefits. Her dedication to improving government, to making it work better, for the benefit of those who need and depend on its wide variety of services, is visible to everybody who ever came in contact with her. She knows that every person who works in government, regardless of his or her specific position or responsibility is a part of the whole, and therefore the effect of the whole, and she has been determined that her contribution would be measured as positive.

Finally, Mr. President, Pat has been nothing if she has not been tenacious. Surrender is simply not a word in her lexicon. If she believes it is her duty to accomplish something, all of us in my office, or in offices around her—including I might say, at peril several times learned—it is best not to inadvertently be standing between her and her goal. When it came to keeping that schedule, despite the uncontrollable interruptions, despite all the forces that tugged at it, no one could have mustered or demonstrated greater energy or commitment than she did.

It is a blessing, Mr. President, at the right time, after a lifetime of work, to leave the workplace for the pleasures of her retirement. But that time has now arrived for Pat. So, no longer

every week will she have to leave her husband Ken, himself a veteran of public service with Senator Douglas, Senator and Vice President Humphrey, Senator Stevenson, Senator Tydings, several Presidential campaigns, and a number of other posts, who has been retired for a couple of years, no longer will she have to leave him in their home on the side of Old Rag Mountain in the Blue Ridge in order to commute here for long days in the office and short nights in an Arlington apartment. No longer will she be unable to join him in Colorado at their mountain cabin for the few weeks of the summer that she gets, as she did forgo on occasion because of the Senate schedule. Ultimately her friends, her family, and above all, her garden that she cherishes will be the winners for this moment.

In my office, we will take a very, very special pleasure in knowing that she will be enjoying this well-earned time so much. After her many years of contribution to the U.S. Senate and to the country and to my State and to my office personally, we wish her, as I know everyone who has come in contact with her in the Senate and in Washington does, we wish her well. She has made her mark and we should all wish that we could live a life as clearly committed and devoted as hers.

I ask unanimous consent that a letter from Muriel Humphrey be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 29, 1997.

DEAR PAT: How I wish I could be with you on this very special occasion. However, although I cannot be with you personally, I am pleased to have this opportunity to express to you my hearty congratulations and sincere best wishes as you retire after many years of dedicated public service.

Pat, I want you to know how grateful I am to you for all you have done for Hubert and me. We could always depend on your expertise, your loyalty, your friendship and support throughout the years, and that meant a great deal to us. You contributed substantially to whatever success we enjoyed and you were there to encourage us in times of struggle and challenge. You are truly a part of the Humphrey family!

It is certainly appropriate that your many friends and colleagues gather to honor you on this special occasion. I add my voice to theirs in wishing you all the very best for a long, happy and fulfilling retirement.

Again, Pat, congratulations!

Warm regards,

MURIEL HUMPHREY BROWN.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 28, 1997, the Federal debt stood at \$5,347,125,099,434.10. (Five trillion, three hundred forty-seven billion, one hundred twenty-five million, ninety-nine thousand, four hundred thirty-four dollars and ten cents.)

Five years ago, April 28, 1992, the Federal debt stood at \$3,884,477,000,000. (Three trillion, eight hundred eighty-four



billion, four hundred seventy-seven million.)

Ten years ago, April 28, 1987, the Federal debt stood at \$2,265,888,000,000. (Two trillion, two hundred sixty-five billion, eight hundred eighty-eight million.)

Fifteen years ago, April 28, 1982, the Federal debt stood at \$1,062,161,000,000. (One trillion, sixty-two billion, one hundred sixty-one million.)

Twenty-five years ago, April 28, 1972, the Federal debt stood at \$425,304,000,000 (four hundred twenty-five billion, three hundred four million), which reflects a debt increase of nearly \$5 trillion—\$4,921,821,099,434.10 (four trillion, nine hundred twenty-one billion, eight hundred twenty-one million, ninety-nine thousand, four hundred thirty-four dollars and ten cents), during the past 25 years.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1757. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing recordkeeping and reporting by political committees; to the Committee on Rules and Administration.

EC-1758. A communication from the Assistant Attorney General, Office of Justice Programs, transmitting, pursuant to law, a rule entitled "Grants Program to Indian Tribes" received on April 24, 1997; to the Committee on Indian Affairs.

EC-1759. A communication from the Acting Inspector General of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual Superfund report for fiscal year 1996; to the Committee on Environment and Public Works.

EC-1760. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96-07; to the Committee on Appropriations.

EC-1761. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions deferrals dated April 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on the Judiciary, and to the Committee on Governmental Affairs.

EC-1762. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-1763. A communication from the Secretary of Defense, transmitting, a draft of proposed legislation to establish a small business loan program; to the Committee on Veterans' Affairs.

EC-1764. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmit-

ting, pursuant to law, a rule entitled "Compensation for Certain Undiagnosed Illnesses" (RIN2900-A177) received on April 28, 1997; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 662. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE; to the Committee on Commerce, Science, and Transportation.

By Mr. KERREY:

S. 663. A bill to enhance taxpayer value in auctions conducted by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. CLELAND, Mr. INOUE, Mr. GLENN, Mr. DODD, Mr. WELLSTONE, Mr. KERRY, Mr. SARBANES, Mr. DASCHLE, and Mr. REID):

S. 664. A bill to establish tutoring assistance programs to help children learn to read well; to the Committee on Labor and Human Resources.

By Mr. KERREY:

S. 665. A bill to monitor the progress of the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 666. A bill to amend title 18, United States Code, with respect to States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 663. A bill to enhance taxpayer value in auctions conducted by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

##### THE RESERVE PRICE ACT

Mr. KERREY. Mr. President, for most Americans a buck doesn't go very far. A dollar will not buy a cup of coffee at Starbucks, it will not buy a comic book at the 7-11, it will not buy a package of batteries at the True Value store, or even a gallon of gas at the Amoco station. But, at the FCC, a buck will buy a radio license to serve the city of St. Louis.

On Friday, the FCC completed an auction of radio spectrum which should cause every American taxpayer to be concerned. This action yielded less than 1 percent of the amount anticipated. Rather than raising \$1.8 billion as the Congress had expected, the FCC brought in only \$13.6 million.

Perhaps worse of all, several licenses were awarded to bidders for the incredible sum of \$1. That's well below the bargain basement. Mike Mills of the Washington Post aptly observed that a sign should be put in front of the FCC auction headquarters advertising "everything for a buck." One bidder won

four licenses at a dollar a piece. Those licenses combined would allow services to reach 15 million people. Another bidder won the right to serve St. Louis, one of the largest cities in America for \$1. It is as if we had returned to the days of license lotteries. That's one heck of a way to stretch a dollar.

Radio spectrum is a national asset. It must be prudently managed. The taxpayers count on the Federal Communications Commission to allocate spectrum among and between various uses to assure that the public interest is served and to assure that those uses do not interfere with each other.

In 1993, the Congress enacted legislation which revolutionized the way radio frequencies are allocated. After years of debate, the Congress took the step to authorized the Federal Communications Commission to use auctions to allocate licenses for radio spectrum. It was built on the premise that investors would pay for the right to offer new wireless communications services.

Prior to 1993, licenses were awarded by lottery or by a comparative application process. In both cases, license winners would often sell their licenses soon after acquiring them to others for substantial sums.

To cut out the middle man and give taxpayers a return from the valuable rights they were awarding, the Congress ordered the FCC to conduct auctions to award radio spectrum licenses.

In general, this approach has worked very well. It has proven to be an efficient means of allocating scarce resources and it has reaped billions of dollars of deficit reduction for the American taxpayer.

Unfortunately, something went wrong in this last auction. One problem was that the auction rules did not establish a minimum bid or a reserve price. That's how some lucky bidders won valuable licenses for a buck.

Mr. President, I offer legislation today which will help ensure that taxpayers are protected in future FCC auctions. The importance of this legislation is heightened by the increasing congressional reliance on spectrum auctions in telecommunications and budget policy. The President's budget alone relies on \$36 billion of revenues from spectrum auctions.

The Reserve Price Act requires the FCC to set a minimum price for each unit auctioned. If no one bids the minimum, then what is not sold will be re-evaluated and placed in the next scheduled auction. With a reserve price system, taxpayers will be guaranteed that national assets are not sold for a song.

The Chairman of the FCC reportedly said that the reason for the disappointing return from Friday's auction was the "the Congress got to greedy" with spectrum revenues. Perhaps, this auction was rushed. But with reserve prices, even a rushed auction would not have to be a disastrous auction.

I urge my colleagues to review and support the Reserve Price Act. The American taxpayer deserves as much.

I also ask unanimous consent that the text of the Reserve Price Act and a copy of Mike Mills' Washington Post article entitled "Latest License Auction Disappoints FCC" be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.663

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Reserve Price Act".

# **SEC. 2. RESERVE PRICE.**

In any auction conducted or supervised by the Federal Communications Commission (hereinafter the Commission) for any license, permit or right which has value, a reasonable reserve price shall be set by the Commission for each unit in the auction. The reserve price shall establish a minimum bid for the unit to be auctioned. If no bid is received above the reserve price for a unit, the unit shall be retained. The Commission shall reassess the reserve price for that unit and place the unit in the next scheduled or next appropriate auction.

[From the Washington Post, Apr. 26, 1997]

LATEST LICENSE AUCTION DISAPPOINTS FCC  
TOTAL COMES UP SHORT OF EXPECTATIONS IN  
BARGAIN-BASEMENT BIDDING  
(By Mike Mills)

They might as well have changed the sign at the FCC Auction headquarters to "Everything for a Buck."

Congress had expected the Federal Communications Commission to pull in about \$1.8 billion in its latest auction of a slice of the airwaves, this one for companies that want to offer wireless voice and data services. But when the bidding stopped yesterday, the FCC found it had raised less than 1 percent of that amount, only \$13.6 million.

It was by far the most disappointing yield to date in the auction program. In other bidding since the program began in July 1994, winners have pledged about \$23 billion to the Treasury Department, far higher than initial projections.

The FCC blamed yesterday's poor showing on Congress, saying it didn't give the agency or the industry enough time to prepare for the latest auction. But the low bids also might be a sign that the market for airwave licenses is becoming glutted, some analysts said.

Either way, bargain-basement prices awaited the handful of communications companies that cared to participate. McLeod Inc. of Cedar Rapids, Iowa, actually bid \$1 each for four licenses in the Midwest covering areas with a 15 million population—and won. Nobody countered its bid in 29 rounds.

"It was a fortunate opportunity," said Bryce Nemitz, McLeod's vice president of corporate relations. "There wasn't any way for us to gauge the true value of those licenses, so we bid the minimum." The company plans to use the licenses for wireless utility meter reading, he said.

According to FCC Chairman Reed E. Hundt, Congress got too greedy last summer when it passed a law ordering the FCC to quickly auction this chunk of frequencies by April 15, and to make sure the money got to the Treasury by Sept. 30.

The deadline gave the industry little time to prepare, Hundt said. Equipment makers had no idea what the frequencies could be used for. Potential bidders had difficulty raising bidding money in capital markets.

"We were right when we told the industries and Congress there wasn't enough lead time for this auction," Hundt said.

But there were other problems. In February the FCC announced restrictions that limited users of those frequencies from offering certain mobile services because they might interfere with a new satellite-based radio service. And earlier this week, the FCC also said the new license owners would have to accept other restrictions to avoid interference with other services.

Those limitations might have curbed interest in bidding, but they didn't seem to bother the winners. BellSouth Corp. was the top bidder, spending \$6 million for 22 licenses. It plans to offer wireless television service using the licenses.

Other firms aren't sure how they'll use the licenses. "It just got rushed to the market so soon that people just didn't have time to get themselves together," said Thomas Sullivan of TeleCorp, which won a St. Louis license for \$1 and two others for \$60,000.

For Congress, the \$1.786 billion shortfall won't directly affect any spending programs. But it will be a factor when bean-counters next tally up the budget deficit, sources at the Congressional Budget Office said.

Some analysts suggest the auctions are a sign that the auction process may be running out of steam. Some bidders who paid surprisingly huge sums for wireless telephone licenses earlier last year are now having big troubles raising the money to pay for them. That spooked investors in a subsequent auction last year for similar licenses, in which bidding fell below expectations.

The broadcasting lobby, which has so far successfully avoided auctions of TV and radio licenses, and the results make their case for killing the auction program.

"These sub-par receipts confirm what we have been saying for months," said Dennis Wharton, spokesman for the National Association of Broadcasters. "Spectrum auctions have clearly reached a point of diminishing returns."

By Mr. KENNEDY (for himself,  
Mrs. MURRAY, Ms. MIKULSKI,  
Mr. LEVIN, Mr. CLELAND, Mr.  
INOUE, Mr. GLENN, Mr. DODD,  
Mr. WELLSTONE, Mr. KERRY, Mr.  
SARBANES, Mr. DASCHLE, and  
Mr. RIED):

S. 664. A bill to establish tutoring assistance programs to help children learn to read well; to the Committee on Labor and Human Resources.

## **THE AMERICA READS CHALLENGE ACT**

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton's America Reads Challenge Act. Today is the closing day of the President's summit for America's future. The summit's organizers and participants have sent a clear call about the importance of volunteerism and community involvement. The America Reads Challenge Act responds to that call and will provide volunteer tutors to help all children read well by the end of the third grade.

Reading is a fundamental skill for learning, but too many children have trouble learning how to read. If students don't learn to read in the early elementary school years, it is virtually impossible for them to keep up later. According to one study, 40 percent of fourth grade students don't attain the basic level of reading, and 70 percent don't attain the proficient level.

Research shows that reading skills are developed not only in the home and in the classroom, but also in communities and libraries. Sustained, quality reading experiences outside the regular school day and during the summer can raise reading levels when combined with high quality instruction. Only 30 minutes a day of reading aloud with an adult can enable a child to make real gains in reading. Adults also serve as role models for young children.

The America Reads Challenge Act is intended to help all students learn to read—and read well—by the end of the third grade. It would provide Parents as First Teachers challenge grants. Recognizing that parents are the best first teachers, it supports programs and activities that help parents increase the reading skills of their children.

In addition, the act will provide America's Reading Corps grants to States and communities to help them establish or enhance literacy tutor programs. Some 25,000 reading specialists and tutor coordinators, including 11,000 AmeriCorps members, will participate in programs to mobilize 1 million volunteers to tutor 3 million children.

The America Reads Challenge Act will provide \$1.7 billion over the next 5 years to the Department of Education. It will also authorize the appropriation of \$200 million a year from fiscal year 1998 through fiscal year 2002 to the Corporation for National Service. The act also builds on efforts of pre-school and elementary school programs, such as Head Start and title I, to help improve children's basic skills.

I strongly support President Clinton's America Reads Challenge Act, and I hope it will receive the broad bipartisan support it deserves. Every child can learn to read, and every child deserves a chance to learn how to do it. No child should be left out or left behind.

Ms. MIKULSKI. Mr. President, I join my colleagues Senators KENNEDY and MURRAY in cosponsoring this important new initiative.

The goal of this legislation is to launch a campaign to ensure that every child in our Nation can read independently by the end of the third grade. I believe that this is a worthwhile goal, which will have a wide-ranging impact on our Nation.

We need to help our young children learn to read. It's the responsibility not only of parents but of schools, communities, civic groups, libraries, and business leaders. Some 40 percent of all children are now reading below the accepted level on national reading assessments.

This is a national crisis. Tens of thousands of students cannot read at the basic level. If students can't read well by the third grade, their chances for later success fall dramatically. These same students are likely to drop out of school; they will have problems with delinquency; and they will have fewer job options.

I believe that the America Reads initiative will go a long way in providing much needed resources to parents, schools, and State and local communities to help our children learn to read.

This bill would establish a corps of 1 million volunteer tutors and give States additional resources to hire 30,000 reading specialists to coordinate the corps volunteer tutors who will work with teachers, principals, and librarians to help children succeed in reading.

I support mobilizing thousands of volunteers, but I also believe that the training and screening must be adequate, especially when we place anyone in our Nation's classrooms. These are issues that my colleagues and I will be addressing.

We also want to help parents. This bill establishes Parents as First Teachers challenge grants, which invests in success by supporting effective and proven local efforts that assist parents who request help to better work with their children.

The President has also called upon colleges and universities across the country to dedicate half of their new work study funds to support 100,000 college students to serve as reading tutors. Already hundreds of colleges and universities across the country have pledged to have their work study students help children learn to read. In my State of Maryland, Anne Arundel Community College, Bowie State University, Frostburg State University, and the University of Maryland at College Park have all committed to the America Reads initiative.

We also want accountability. This legislation will use the improvements in the National Assessment of Educational Progress [NAEP] to provide an annual measure of the reading performance of 4th graders and their progress toward meeting the reading challenge.

Both the Corporation for National Service and the Department of Education will oversee and manage this program. The Corporation for National Service has the expertise to pull together the AmeriCorps volunteers and has the infrastructure in place to help mobilize the volunteers. The Department of Education has the knowledge and resources to really make this program accountable.

I support utilizing the resources that we already have in place with AmeriCorps. I know that thousands of AmeriCorps volunteers across the country are already in the schools tutoring children. In Maryland, AmeriCorps volunteers are already in public schools tutoring and mentoring students.

And, companies too are leading the way with innovative methods of teaching our children to read. Sylvan Learning Center, which is headquartered in my State of Maryland, is a company that has been having great success with its methods to help children learn to read. Sylvan operates tutoring cen-

ters across the country. The centers have produced measurable results with children. The centers are community-based facilities. The student to teacher ratio never exceeds 3:1. Sylvan's approach consists of individualized instruction, variety, a creative motivational system, and parent and teacher involvement. It is an approach that works and can be one of the models that we use for the America Reads Program.

Why does this approach work? Because specialists can tailor a program to meet an individual student's needs. In many overcrowded classrooms across our country, it's simply impossible for a teacher in charge of 30 or 40 students to give one student who's having problems extra attention.

I don't believe that America Reads is a substitute for in-school instruction nor is it a substitute for parental involvement.

What we're talking about providing is individualized after school, weekend, and summer reading tutoring for nearly 3 million children a year from kindergarten through third grade [K-3] who want and need extra help. This will supplement the learning that is taking place during classroom hours. What's more important is that this tutoring will take place at no cost to parents and students.

I know that there has been criticism about having a literacy program directly aimed at children in K-3. I have to disagree with this criticism. Schools cannot do it alone. Many public schools simply do not have the resources to give students the one-on-one attention they need.

We have to launch a large-scale effort to tackle our Nation's youth literacy problem. I believe we need to mobilize and train volunteers to come into the schools to help our children learn to read. I believe we need to hire reading specialists to help our Nation's children. Teachers cannot do it alone. And parents need our help.

When 40 percent of our Nation's children cannot read on level by the third grade, we must ask ourselves as a nation what we're doing wrong and how we can correct it. This is a widespread problem that crosses gender, racial, and religious lines.

As the Nation begins to enter the 21st century, we cannot have our young people—our future—lagging behind in basic skills. This affects our Nation as a whole. It affects our Nation's productivity. It affects our work force. When these children become adults, they will not have the basic skills needed to survive.

Reading is an ongoing activity. And, if we want our children to succeed, if we want to promote work force readiness, and if we want to raise academic standards in our schools, then we have to reach our children in their early stages of development.

I hear from teachers, administrators, and counselors in my State about the dismal crisis in public schools. Many

children come to school from impoverished backgrounds. Many children come to school either abused themselves or the witness to domestic abuse in the home. With all of these obstacles, it's even more difficult for teachers to teach and for students to learn to read.

That's why I am supporting this bold, new initiative. The idea is to use the resources that our Nation already has—libraries, volunteers, students, businesses, and civic organizations—to help our most precious resource—our youth. I urge my colleagues to support this legislation.

By Mr. KERREY:

S. 665. A bill to monitor the progress of the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

#### THE TELECOMMUNICATIONS ACT PROGRESS REPORT ACT

• Mr. KERREY. Mr. President, the Department of Justice has approved the merger of the Bell Atlantic and Nynex Corporations. While this is a matter within the discretion and jurisdiction of the Department, I rise to express my concern and disappointment with this decision.

With this merger, two strong potential competitors with two vibrant, rich markets have combined.

Bell Atlantic/Nynex will control more than 25 percent of all access lines in the United States and would serve 26 million customers. The merger is the second largest in U.S. history and the new company will rank among the 25 largest U.S. companies.

A little more than a year ago, the Congress enacted landmark legislation to open telecommunications markets to competition, preserve and advance universal service and spur private investment in telecommunication infrastructure. Over the last year, the Federal Communications Commission has worked overtime to implement the new law. It has been a daunting task.

While the FCC struggles with implementation of the new law, it is important to remember that a key part of that legislation did not rely on regulation, it relied on the marketplace. The idea was to unleash pent up competitive forces among and between telecommunications companies.

This transaction replaces the urge to compete with the urge to merge.

To unshackle the restraints of the modified final judgment which controlled the break up of AT&T, the Congress gave regional Bell operating companies instant access to long-distance markets outside of their local service regions and access to long-distance markets inside their regions when they opened their markets to local competition as measured by the bill's competitive checklist.

In addition to responding to the lure of long-distance markets, regional Bell operating companies and other local exchange carriers were expected to covet each other's markets. The attraction of serving markets like New

York City, Baltimore, and Washington, DC, with local and long distance products was to be a key catalyst for breaking down barriers to competition. Who knows better what is needed to compete for local exchange customers in a new market better than another local exchange company?

With this transaction, local competition and long-distance competition is lost. In addition, potential internet, video and broad-band competition has disappeared.

The promise of the new law was that competition, not consolidation would bring new services at lower prices to consumers. Where competition failed to advance service and restrain prices, universal service support would assure that telephone rates and services were comparable in rural and urban areas.

When large telecommunications companies combine, they not only eliminate the potential of competition with each other in each other's markets, but they create a market power which may be capable of resisting competition from others. They also create the possibility of an unequal bargaining power when they compete with or deal with small, independent and new carriers.

A strong role for the Department of Justice was my No. 1 cause when the full Senate considered the Telecommunications Act. I supported final passage of the law because the conference committee bolstered the Department's authority as compared to the Senate version of the bill. The legislation relied on the existing, strong antitrust powers of the Department of Justice. It also removed the FCC's ability to bypass Department of Justice antitrust review.

As we measure progress against promise, it is vitally important that the Congress have sufficient information to assure that those powers are sufficient to promote competition, affordable prices and universal service.

Mr. President, I am introducing legislation today to monitor the progress of the Telecommunications Act of 1996. This bill instructs the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, the Department of Justice, other executive branch agencies and State regulatory utility commissions to issue an annual report to the Congress on telecommunications services in America.

The report would review available information and consider at a minimum the level of competition, the provision of universal service in telecommunications markets, mergers among telecommunications providers and their effect, employment in the American telecommunications industry and the affordability of residential rates for telecommunications services. The report will also make legislative and policy recommendations to the Congress and the President.

Mr. President, I believe that if properly implemented, the Telecommunications Act of 1996 can deliver on its

promises of competition, affordable rates, universal service, jobs, and investment. I am not prepared to recommend major change to the 1996 law, but I am prepared to argue for a higher level of competitive vigilance by this Congress and the executive branch.●

By Mr. LAUTENBERG:

S. 666. A bill to amend title 18, United States Code, with respect to States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS ISSUED IN OTHER STATES LEGISLATION

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation that will help ensure that States live up to their responsibility to give full faith and credit to protective orders issued in other States.

In the 1994 Crime Act, as part of the Violence Against Women Act, Congress passed a provision requiring states to enforce the protection orders issued in sister States.

What this means, Mr. President, is that if a woman has secured a protective order against her husband in New Jersey, and then goes to Pennsylvania to stay with her parents and her husband follows her, Pennsylvania is obligated to enforce the New Jersey protective order.

This is common sense, it will protect the lives and well-being of countless threatened women, and is the law. However, for some reason States have been disregarding their legal obligation to enforce these orders.

Mr. President, it seems that the only way to get the States to live up to this obligation is to threaten some of their Federal funding.

Accordingly, the bill I am introducing today allows the Attorney General to withhold 10 percent of all formula Byrne grant crime fighting funds given to a State if it is failing to enforce out-of-State protective orders. Although I believe that these funds are an important crime prevention and crime fighting tool, it has become clear that there must be some mechanism to ensure that States live up to their responsibilities to victims of domestic abuse.

Mr. President, violence against women is one of our country's most heinous and pressing crimes. Every 12 seconds a woman is battered. About 10 times more women are victimized annually by domestic violence than are diagnosed with breast cancer. These figures reflect only reported crimes—the actual incidence rates are even higher.

According to the FBI, domestic violence is the single most common source of injury among women ages 15 to 44, more common than auto accidents, muggings, and rape by a stranger combined.

Protective orders are an important device in combating domestic violence, and protecting women who have already been battered from further harm. But they are only effective if they are enforced.

So, Mr. President, I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FULL FAITH AND CREDIT GIVEN TO PROTECTIVE ORDERS.**

Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) FORMULA GRANT REDUCTION FOR NON-COMPLIANCE.—

“(1) IN GENERAL.—Beginning with the second fiscal year commencing after the date of enactment of this subsection, and in each fiscal year thereafter, if a State is not in compliance with subsections (a) and (b), the Attorney General shall reduce by 10 percent the amount that the State would otherwise receive for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.).

“(2) REDISTRIBUTION OF AMOUNTS.—In any fiscal year, the total amount remaining for distribution under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) by operation of paragraph (1), shall be distributed on a pro rata basis among States that—

“(A) are eligible to receive a grant under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.); and

“(B) are in compliance with subsections (a) and (b) of this section.”.●

**ADDITIONAL COSPONSORS**

S. 28

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 61

At the request of Mr. LOTT, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from California [Mrs. BOXER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 75

At the request of Mr. KYL, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide

that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 387

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 394

At the request of Mr. HATCH, the names of the Senator from Florida [Mr. MACK], the Senator from Louisiana [Mr. BREAU], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 404

At the request of Mr. BOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 404, a bill to modify the budget process to provide for separate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund.

S. 405

At the request of Mr. HATCH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit

and to allow greater opportunity to elect the alternative incremental credit.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 618

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 618, a bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

S. 619

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 619, a bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes.

S. 648

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

## SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Wyoming [Mr. ENZI], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

## SENATE RESOLUTION 51

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 51, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay.

## SENATE RESOLUTION 64

At the request of Mr. ROBB, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week".

## SENATE RESOLUTION 78

At the request of Mr. BURNS, the names of the Senator from Wisconsin

[Mr. KOHL], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Idaho [Mr. CRAIG], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Kansas [Mr. ROBERTS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Colorado [Mr. ALLARD], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. JOHNSON], the Senator from Hawaii [Mr. INOUE], the Senator from Wyoming [Mr. ENZI], the Senator from Texas [Mrs. HUTCHISON], the Senator from Tennessee [Mr. FRIST], the Senator from New Hampshire [Mr. GREGG], the Senator from Nebraska [Mr. HAGEL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mr. BROWNBACK], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 78, a resolution to designate April 30, 1997, as "National Erase the Hate and Eliminate Racism Day."

At the request of Mr. DURBIN, his name was added as a cosponsor of Senate Resolution 78, supra.

## NOTICE OF HEARING

## SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Thursday, May 1, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Biomedical Research Priorities: Who Should Decide?". For further information, please call the committee, 202/224-5375.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 29, 1997, to conduct a hearing on S. 621, the Public Utility Holding Company Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 29, 1997, at 2:30 p.m. on air bag safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 29, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 10:00 a.m. The purpose of this oversight hearing is to receive testimony from the General Accounting Office on their evaluation of the development of the Draft Tongass Land Management Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 1997, at 10 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 29, 1997 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a business meeting on S. 459, a bill to amend the Native American Programs Act of 1974 to be followed by an Oversight Hearing on P.L. 102-575, the San Carlos Water Rights Settlement Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 29, 1997 at 3 p.m. to hold a hearing on the nomination of Joel I. Klein to be an assistant attorney general.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on National Endowments for the Arts and Humanities, during the session of the Senate on Tuesday, April 29, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS,  
PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Tuesday, April 29, at 2 p.m., hearing room (SD-406), on ozone and particulate matter standards proposed by the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROLLAND C.  
LOWE

• Mrs. FEINSTEIN. Mr. President, today I commend Dr. Rolland C. Lowe, the new president of the California Medical Association. Dr. Lowe is the first Asian-American elected president in the organization's 147-year history.

Dr. Lowe started his distinguished career at the University of California at Berkeley, where he attended undergraduate school. After completing his undergraduate work, he studied medicine at the University of California at San Francisco. He completed a medical internship at San Francisco General Hospital and a surgical residency at UCSF.

Dr. Lowe has been a trailblazer for many years. In 1982, he was elected the first Asian-American president of the San Francisco Medical Society. For the past three decades, Dr. Lowe has been a distinguished member of the medical community. Since 1965, Dr. Lowe has served on the clinical faculty at UCSF and has practiced medicine in San Francisco's Chinatown. Dr. Lowe is a former chair of the board of trustees at Chinese Hospital in San Francisco and he continues to participate as an active board member. At Chinese Hospital, Dr. Lowe also served as the chief of surgery and the chief of staff. He has worked hard to provide low-income immigrants with high quality health care.

Dr. Lowe has a long history with not only the medical community, but with the California Medical Association as well. He has been active in the CMA for many years, and has served on the board of trustees of the CMA since 1987, chairing it from 1994 to his election. He has been a tireless advocate of better health care for the Chinese American community.

Dr. Lowe's goal as president of the California Medical Association is to get physicians more involved in their communities. He has said, "In able to be good patient advocates, doctors need to understand their community." In this era of managed care, Dr. Lowe's commitment to re-establishing a personal relationship between doctor and patient is especially commendable. Looking at Dr. Lowe's history of service tells us that he is the right man to accomplish this goal. He has devoted his energies not just to medicine, but more broadly to his community. He has worked to provide decent housing for the elderly in San Francisco, through redevelopment of the old International Hotel for use as a senior housing and community center. Dr. Lowe is the founder and Chair of the Lawrence Choy Lowe Memorial Fund, which is a charitable and civic foundation in Chinatown. He has also served in many community organizations and foundations.

My fellow colleagues, please join me today in honoring my long standing

friend, Dr. Lowe. He is a valuable asset to his community and to the State of California. His example of providing high quality health care and his dedication to his community deserve our admiration and our respect. •

## TRIBUTE TO THE TOWN OF NOTTINGHAM ON ITS 275TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Nottingham on its 275th anniversary. On May 10, 1997, at the 275th anniversary celebration, the Nottingham Historical Society and the anniversary committee will be reading the Royal Charter of May 10, 1722, which founded the town of Nottingham.

When the charter was formally issued in 1722, there were 132 persons who were allowed to draw lots of land to establish the town. Now, Nottingham is a quaint New England town of 3,002 people, still dedicated to the Yankee ingenuity that formed the town in colonial times.

Nottingham was at the forefront of America's industrial history. In 1727, the townspeople decided to build the first sawmill on the Tuckaway River which was the beginning of 17 water powered mills for the purpose of sawing lumber, grinding grain, and fulling, a process of cleansing and working up a nap on rough, woolen homespun cloth.

The rugged land was too rocky for the planting of crops and the land had to be cleared to allow the family's provisions to be raised, and to provide winter food for the livestock. Charcoal was produced for sale in the seacoast towns like this one; it was used as the fuel in the furnaces for making iron and for heating and cooking in city fireplaces. The ironmills along the two-mile streak—also known as New Portsmouth—required large amounts of charcoal, too, for building furnaces and making iron. The name of today's Smoke Street still indicates how much charcoal was produced in the former Summer Street of the 1700's.

In spite of the hardships of nature in the cold northeast, Nottingham started to grow. By the late 1760's the Nottingham Square included a school house, a church, a meeting house, and a store. Landowners were building homes which were substantial. The Butler Inn, for example, and many other colonial and federal style homes remain in good condition today.

Nottingham also has a place of honor in our Nation's military history. Gen. Henry Dearborn led Nottingham in the march of the Minutemen to the Battle of Bunker Hill in the American Revolution. Three other brave Revolutionary War generals, Joseph Cilley, Thomas Bartlett and Henry Butler, remained in Nottingham to become leading citizens and many of their descendants are still actively involved in the improvement of Nottingham today.

During the Civil War, Nottingham residents provided many able-bodied

men to fight and supplied the Union Armies with food and clothing. From the Civil War to the gulf war, many members of Nottingham's families have served their country proudly and honorably in all branches of our Nation's services.

Nottingham's residents today serve in professional, semiprofessional, trade, and service occupations. Though individualistic, these townspeople are family-oriented and prudent. They always strive for the betterment of their community and are willing to contribute their time and talents on behalf of their neighbors.

I congratulate all the dedicated and patriotic residents of Nottingham on this historic milestone and wish them an enjoyable year of celebration and remembrance. They all should be very proud of the town's heritage and 275 years of distinguished history. I send them my best wishes for continued success and prosperity. Happy Birthday, Nottingham.●

#### WE NEED THE CWC TO CONFRONT ROGUE NATIONS

● Mr. KERRY. Mr. President, with the active participation of the President and his National Security Council and other foreign policy and national security representatives, Senator BIDEN, the Foreign Relations Committee ranking Democratic member and his staff have worked diligently to remove as many of the objections and doubts about the Chemical Weapons Convention held by a number of Republican Senators as they possibly could remove. Working together, they sought to do this by providing official data and information about the convention, about Defense Department plans, and about intelligence sources and methods; by obtaining official commitments from the President; and by negotiating conditions to the treaty. This negotiating effort centered on Foreign Relations Committee Chairman HELMS and his staff and Senate Majority Leader LOTT and his staff as well as other Senators who have voiced major concerns about the treaty.

I believe the evidence is unassailable that the effort to negotiate conditions acceptable to both treaty proponents and opponents produced great progress—in fact, a degree of progress few thought was attainable when the process began. As a result, this afternoon the Senate has unanimously agreed to 28 conditions that address a sweeping range of treaty facets.

One measure of how successful this effort has been is that yesterday, former Senate majority leader and 1996 Republican Presidential nominee Bob Dole announced that, given the assurances and insurance those 28 conditions provide, he now supports the convention and believes it is in our Nation's national security interest to ratify it and participate in its ongoing efforts to eliminate chemical weapons from this Earth.

Senator Dole was clear in noting that the treaty remains imperfect in his mind, a fact that comes as no surprise to treaty proponents but still is loudly professed to be a shocking fact by some treaty opponents.

But despite the herculean effort that has resulted in agreement on 28 conditions to the treaty, Senator HELMS and some other Senators have been relentless in insisting on 5 other conditions. While the stated purpose of each of these conditions appears on the surface to be laudable, and that stated purpose could be readily embraced by virtually every Senator if not every Senator, ranging from stalwart treaty proponent to stalwart opponent, the practical effect of four of these conditions in the form in which their drafters insist on them would be to prevent the United States from ratifying the CWC, even if the Senate were to vote 100 to 0 for ratification with any of these conditions attached to the resolution of ratification the Senate approved.

For that reason, Mr. President, these proposed conditions to which treaty proponents could not possibly agree, which are contained in the substitute resolution authored by Senator HELMS along with the 28 conditions to which the agreement of both treaty proponents and opponents was secured, have come to be known among treaty proponents as the killer amendments.

This afternoon, under the terms of the unanimous-consent agreement that governs Senate action on the CWC, the Senate will take up these disputed conditions one at a time. Treaty proponents will move to strike each of them, and the Senate will vote on each of those motions to strike.

It is not possible to overemphasize the importance of these motions and the vote on them, Mr. President. Because regardless of what is said about the rationale for insisting on these disputed conditions, Mr. President, the fact is that the United States will be unable to ratify the CWC now or any time in the immediate future—and quite possibly never—if the effort to strike any one of them from the resolution fails. That is the gravity of what we will be doing on the Senate floor for the next 5 or 6 hours.

The first of the disputed conditions that we will take up is Condition 30, titled, somewhat antiseptically, Chemical Weapons in Other States. The text of this condition is quite short. Let me quote it verbatim:

Prior to the deposit of the United States instrument of ratification, the President, in consultation with the Director of Central Intelligence, shall certify to the Congress that countries which have been determined to have offensive chemical weapons programs, including Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, China, and all other countries determined to be state sponsors of international terrorism, have ratified or otherwise acceded to the Convention.

Now let me translate that text into simple English. Under the terms of that condition, were it to be attached

to the resolution of ratification and the Senate were to pass it in that form, regardless of how many votes the resolution receives, and regardless of the strong support of the President of the United States for ratification, the United States could not formally ratify the Convention or be a part of its efforts to remove chemical weapons from the Earth until and unless the President could and did certify to the Congress that all the rogue nations of the Earth had first ratified the Convention or formally agreed to abide by its provisions.

Mr. President, I certainly applaud those who drafted this condition for the objective they seek. There is no Senator who more fervently wishes than this Senator that Iran, Iraq, Syria, Libya, North Korea, China, Cuba, and Sudan—and, in fact, all nations on the Earth—will ratify the CWC and fully abide by all its provisions. Were that to be the case, Mr. President, the world would be a far, far safer, healthier, and more stable place for the human race.

Indeed, were that to be the case, the effect would be so profound that the CWC probably would no longer be needed, because we would have reached the unreachable, achieved the unachievable. We would have reached a near-Utopia.

But the hard, cold fact, Mr. President, is that while one or two or even more of these nations, some of which are often referred to as rogues, may ratify the CWC, and, if they do, we certainly hope and expect they will abide by its terms and destroy their chemical weapons arsenals and forswear the production of any more chemical weapons, it is a safe bet that several of these nations will not ratify the Convention in the foreseeable future.

That absolutely cannot come as a surprise to anyone in this Chamber. I do not believe a single Member of the Senate could look me in the eye and make a genuine claim that he or she is surprised to learn that most close observers of these nations do not believe that several of them will ratify the CWC anytime soon.

Indeed, much of the 10 years during which the Reagan administration and Bush administration negotiating teams spent in exhausting and exhaustive negotiations to develop this treaty was spent to structure sanctions that will apply to trade in chemicals conducted by nations that do not ratify the CWC, in the full expectation that some if not all of these very nations will not ratify it. Think about it, and it will be painfully apparent. The CWC was not carefully negotiated and crafted to apply principally to those nations that ratify it and genuinely want to rid the Earth of all chemical weapons, though, of course, we must hold all nations accountable. It was negotiated and crafted to apply the pressure of world opinion, diplomatic pressure, and economic pressure on recalcitrant nations whose



leaderships flaunt the civilized norm and equip themselves with these horrific weapons, and where even this pressure does not attain reformed behavior, to make it as difficult as possible for those nations to carry on their deadly efforts—to isolate them in all possible ways.

The Senator from North Carolina is absolutely correct when he says the rogue nations, or at least some of them, have these materials. In a number of cases, I am convinced they will continue to produce them, Chemical Weapons Convention or no Chemical Weapons Convention. But the issue before the Senate is how can we best try to pressure them to reform their behavior. How do we make it as difficult as possible for them to continue to do that? It is not, I assert, by means of this condition. It will not directly have that effect. And, more destructively, it will prevent U.S. participation in the CWC, period.

Plainly, Mr. President, the authors of this condition know that if the condition we now are debating is not defeated, they have succeeded via the backdoor when they could not succeed through the front door in preventing U.S. ratification of the Chemical Weapons Convention. That is an outcome that must not be permitted.

This condition has other destructive consequences. Let me note a few of them.

First, this condition places control of a critical U.S. foreign policy and national security decision wholly in the hands of other nations, and not just any other nations. It places total control of whether the United States will ever ratify the CWC and participate in its vital efforts to rid the Earth of chemical weapons in the hands of the very group of nations that are led by those who are our avowed or de facto adversaries—our enemies if you will. What kind of sense does it make to give control of this key U.S. decision to any other nation, much less to any one of these nations? And yet this is the unintended consequence of action by Senators who in every other circumstance most vehemently insist that U.S. sovereignty must never be weakened or trampled.

Second, this condition either fails to recognize or ignores the reality that at midnight next Tuesday—April 29—the Chemical Weapons Convention takes effect with or without U.S. participation. The question of whether the Convention is the best that can be designed is not the salient question at this point. The principal question now relevant is whether the United States, its people, and its security interests are better served by being a part of the Convention and working from within its organization to pursue abolition of the world's chemical arsenals, or to remain outside the Convention, which already has been ratified by 74 nations and is sure to be ratified by others of the over 160 signatories.

If we fail to ratify, which emphatically will be the result of failing to

strike this killer condition, guess which nations the company of which the United States ignominiously will join? Mr. President, in bitter irony, the United States, which under Presidents Reagan and Bush initiated, animated, and led the effort to negotiate this Convention, will join the company of precisely the group of nations this condition identifies as the world's villains and rogues. Rather than continuing to provide global leadership and rallying the world's community of nations to establish a new standard of behavior which proscribes all chemical weapons and engineers effective movement toward reducing them dramatically and ultimately, we hope, eliminating them entirely, we turn a sharp 180 degrees in the opposite direction, and refuse to be a part of this critical effort. In my judgment and the judgment of other people, U.S. prestige and respect around the world will be tragically tarnished. The ability of the United States to effectively lead the community of nations in myriad ways will be severely damaged. Our national credibility will suffer a serious blow.

Third, those who insist on this killer condition have claimed that they cannot countenance U.S. participation in the CWC because they are certain that some nations will not participate in it or, if they do ratify it, they will not abide by its terms—notably, they believe, including the nations listed in this condition or at least some of them. As the Senator from Delaware noted earlier, as he quoted Secretary of State Albright, this is analogous to saying that we should have no laws because we are certain that some people will break them.

Mr. President, I want to note what three of our most respected voices in this country with respect to national security affairs have said in agreeing that the United States should ratify the Chemical Weapons Convention and specifically addressing the linkage of our actions on the CWC to those of the outlaw states that is made by Condition 30.

Gen. Norman Schwarzkopf, commander of United States and coalition troops in Desert Storm, said, "I am very, very much in favor of the ratification of that treaty," referring, of course, to the CWC. "We don't need chemical weapons to fight our future warfares. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I just as soon not be associated with those thugs in this particular manner." I think that is a pretty strong statement about precisely what this condition would do.

Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff, who served in that role during the Bush administration and during the Desert Storm operation, has already been quoted by my colleague. He, too, made it very clear that we should insist on this linkage.

Former Assistant to President Reagan and Secretary of State James A. Baker III said:

[S]ome have argued that we shouldn't commit to the treaty because states like Libya, Iraq, and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true. But the convention, which . . . will go into effect in April whether or not we have ratified it, will make it more difficult for these states to do so by prohibiting the sale of materials to non-members that can be used to make chemical weapons. . . . It makes no sense to argue that because a few pariah states refuse to join the convention the United States should line up with them rather than with the rest of the world.

Mr. President, that is not company that I want our Nation to be in. It would be a step that would have precisely the opposite effect of that sought by its authors. Our failure to ratify the CWC will give any nation in the world all the cover it needs to fail to ratify. One need not have a great imagination to know what will result. When those nations that have ratified seek to point the finger of opprobrium at nonparticipants, very few will fail to respond that the United States has determined that it does not support this treaty or what it is designed to accomplish.

Accepting this killer condition is playing right into the hands of the rogue nations that want no limits on their macabre chemical activities. I would think that reality would send shivers up and down the spines of all who recoil at the idea of troops from one or more of these rogue nations employing an instantly fatal gas against American troops, or an aerosol compound that leads to the slow, wretched, excruciating death of thousands of American service men and women.

If we in the Senate do not remove this killer condition, we will be knowingly driving a stake through the heart of the first successful effort in human history to declare that manufacture or possession of chemical weapons is illegal under international law and to put unrelenting pressure on those nations. Over time, if the United States puts its full weight behind the CWC effort as an active participant, the nations that refuse to participate will be shut out of the market for many dual use chemicals that can be used to make both chemical agents and commercial products as harmless as writing ink. Such nations will find it considerably more difficult to produce or acquire chemical weapons. This will produce cumulative pressure to join the community of nations by ratifying the treaty and living up to its requirements.

To those who say that is not sufficient, or that it will happen too slowly, or that there will be cheaters in the treaty as well as nonparticipants, I say what is your alternative that will work more surely or more rapidly? The reality is that those who are insisting on this killer amendment have no alternative, much less one that will work more surely or rapidly.

It must be remembered that currently it is not even illegal to make or stockpile chemical weapons, and there is no other effort on the horizon to make these actions illegal or to effectively halt them. If the United States chooses not to ratify this treaty after leading the world to it, you can rest assured the community of nations will not be running to us to seek our leadership in some new effort to do that.

In addition to all the reasons I have cited for rejecting this killer condition, it is both appropriate and accurate to add every reason advanced by dozens of Senators of both parties during yesterday's and today's sessions for ratifying the Chemical Weapons Convention. Because the only practical effect of this condition is to make it impossible for the United States to ratify. Everything else that is said to justify accepting this condition is eyewash, window dressing, camouflage.

Only one thing about this condition matters, I say to all my colleagues. If this condition is not defeated, the ratification of the Chemical Weapons Convention is.

There can be no hiding from this central truth. Reasonable people can differ on substantive or policy grounds. Some Senators, albeit for reasons I believe are not meritorious or even logical, may conclude that they do not believe the United States should ratify the CWC. Presumably those Senators, whose number I hope is very, very small, will vote against the resolution of ratification. But no Senator can claim with veracity that he or she wants the United States to ratify the CWC now or in the foreseeable future, and participate in its vital activities to rid the world of chemical weapons, while voting to retain this condition. The two are mutually inconsistent, mutually incompatible. To place it in the vernacular, that does not compute.

I urge all my colleagues to consider and understand the gravity of the vote we are about to take. Those who support the CWC must vote to strike this condition.●

#### RABBI IRWIN GRONER AND ADAM CARDINAL MAIDA

● Mr. LEVIN. Mr. President, I rise today to pay tribute to two notable religious leaders from my home State of Michigan, Rabbi Irwin Groner and Adam Cardinal Maida. Rabbi Groner and Cardinal Maida are the recipients of the 1997 Dove Award, sponsored by the Ecumenical Institute for Jewish-Christian Studies.

The Dove Award was created in 1994 to recognize Christian and Jewish religious leaders who work to promote closer relationships between the two communities. I have worked closely with both men throughout my career, and have been grateful for their advice, guidance, and friendship.

Rabbi Groner leads Congregation Shaarey Zedek in Southfield, MI. An internationally recognized spiritual

leader, Rabbi Groner serves as the president of the Michigan Board of rabbis and is a member of the board of governors of the Jewish Federation of Metropolitan Detroit and the Rabbinic Cabinet of the United Jewish Appeal. His writings on spiritual and social issues are published monthly in the Jewish News and appear regularly in periodicals of the Conservative Jewish Movement. From 1990 to 1992, Rabbi Groner served as the president of the Rabbinical Assembly, an international association of 1200 conservative rabbis. He was the first clergyman to be named to the Judicial Tenure Commission of Michigan.

Adam Cardinal Maida arrived in Detroit in 1990 as archbishop of the Archdiocese of Detroit. In 1990, he was elevated to the College of Cardinals by Pope John Paul II. Cardinal Maida has put commitment to youth into action by joining Baptist, Episcopalian, and Lutheran leaders in creating cornerstone schools, which offer interdenominational educational programs to children in Detroit. Cardinal Maida has continually attempted to break down the walls which exist in our society, emphasizing the importance of voluntarism, reaching out to Detroit's Hispanic community and working with political leaders to craft solutions to a number of social problems.

In 1992, Rabbi Groner, Cardinal Maida, and Episcopal Bishop R. Stewart Wood founded the Religious Leaders Forum, which encourages Christian, Jewish, and Muslim leaders to share their views on issues of concern. Activities like this have not only provided Rabbi Groner and Cardinal Maida with opportunities to work together, but they have cemented a personal friendship as well. Together, they are building bridges for people of the Christian and Jewish faiths to cross.

It is a real honor to recognize the achievements of these remarkable men. I know my colleagues join me in congratulating Rabbi Irwin Groner and Adam Cardinal Maida as they receive the 1997 Dove Award from the Ecumenical Institute.●

#### TRIBUTE TO DR. PAUL KAMINSKI

● Mr. LIEBERMAN. Mr. President, for the past 2½ years, members of the Senate Committee on Armed Services have been privileged to work with Dr. Paul G. Kaminski, who is serving as the Under Secretary of Defense for Acquisition and Technology. Dr. Kaminski has led the Department of Defense through the most significant reform of the Nation's defense acquisition system in 50 years. I believe it is appropriate for the Senate to recognize the outstanding service rendered the Nation by Dr. Kaminski on the occasion of his retirement from Federal service later this spring.

During his tenure as the Defense Acquisition Executive, Dr. Kaminski established the broad outlines of the technologies and systems that will

form the cutting edge of this Nation's defense capabilities well into the next century. His scientific counsel and leadership were instrumental in charting a course ahead for a system of systems including this Nation's national security space systems, heavy bomber force, air mobility force, ballistic and cruise missile defense, tactical air forces, and attack submarine fleet.

Dr. Kaminski ushered in a new era—a renaissance—in armaments cooperation with our friends and allies around the world. His vision, foresight and diplomacy have provided this Nation and our international partners with a broad spectrum of collaborative efforts and opportunities that include cooperation with Germany and Italy to develop a medium extended air defense system; cooperation with France, Germany, Italy, and Spain to develop, produce, and field an interoperable multifunctional information distribution system; and cooperation with the United Kingdom, Norway, and the Netherlands on the development of a revolutionary new joint strike fighter.

As steward of the Nation's defense acquisition system, Dr. Kaminski has guided the defense acquisition establishment through a period of revolutionary change and reform. He has changed the way our acquisition system supports America's soldiers, sailors, airmen, and marines. Through establishment of integrated product teams—composed of war fighters, testers, trainers, doctrine writers, acquirers, and their industry contractors—Dr. Kaminski has dramatically improved the way weapon systems are developed, produced, and fielded. Perhaps Dr. Kaminski's greatest accomplishment is the pride and professionalism he has reinvigorated in the acquisition work force supporting our war fighters. The American people can take comfort in the fact that the U.S. defense acquisition work force is the very finest in the world. Our people are willing to think "out-of-the-box" and pushing hard to be better.

Dr. Kaminski has been responsible for initiating a wholesale re-engineering of the DOD logistics system. He recognized that for the revolution in U.S. military affairs to proceed—the DOD needed a new, compatible logistics support concept. His approach was to substitute information and fast transportation for inventory. As a result of his leadership and vision, logistics response times have improved significantly and inventories have been reduced dramatically.

His reputation is well known in Congress—to those who have worked directly with him and even many who have not. He is highly respected as an individual of integrity, vision, scientific brilliance, and that rare trait of objectivity about what he is involved in. His work will continue to have a very profound and lasting impact upon the Nation's security for many years to come. The Nation owes a debt of gratitude to Dr. Kaminski. It has been my

distinct pleasure to be associated with this exceptional public servant in conjunction with my duties on the Armed Services Committee. I wish him well and anticipate that his coming years in the private sector will further contribute to the security of this Nation. My best wishes to Paul, his lovely wife Julia, and his two children Laura and Garrett, as they mark this special milestone.●

#### SENIOR CITIZENS HOME EQUITY PROTECTION ACT

● Mr. KERRY. Mr. President, last Friday, April 25, the Senate passed by voice vote the Senior Citizens Home Equity Protection Act which will enable the Department of Housing and Urban Development to protect seniors against aggressive and unethical practices by firms who charge senior homeowners exorbitant fees for obtaining a home equity conversion mortgage. I was not able on that day to voice my support for this legislation, and I want to do so today. I commend Senator D'AMATO and the other cosponsors of this legislation for their swift and timely action on this important piece of legislation. I also want to thank Secretary Cuomo for bringing the problem which this legislation addresses to our attention.

The FHA home equity conversion mortgage program, implemented in 1989, has given 20,000 senior homeowners the opportunity to turn the valuable equity in their homes into direct cash payments. This borrowed equity can be used to satisfy any number of needs, and in the case of seniors, escalating medical costs colliding with fixed-incomes often make additional financial resources a necessity. Seniors who obtain reverse mortgages have median incomes of only \$10,400. The ability of low-income seniors to access their home equity and increase their incomes is essential for enabling many seniors to continue living in their own homes.

This legislation is necessary to protect vulnerable seniors who have been

unscrupulously targeted by certain estate planning services who charge fees of 6 to 10 percent of the cost of the reverse mortgage loan. Many homeowners are simply unaware that the process of receiving a reverse mortgage through the Department of Housing and Urban Development is actually free. HUD recently revealed that seniors have been bilked for thousands of dollars by unregulated companies that have taken a Federal program intended to serve one of our most vulnerable populations and used it for exploitation and financial gain. S. 562 will provide important safeguards for seniors by requiring that the mortgagor receives full disclosure of any costs pertaining to the origination of a reverse mortgage. Additionally, the Secretary of HUD will be empowered to impose restrictions and prohibit firms from charging excessive fees.

Again, I would like to extend my appreciation to Senator D'AMATO and the rest of my colleagues for their swift action that will ensure senior homeowners will be no longer be victimized by exploitive reverse mortgage tactics.●

#### ORDERS FOR WEDNESDAY, APRIL 30, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Wednesday, April 30.

I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately resume the motion to proceed to S. 543, the Volunteer Protection Act.

I further ask unanimous consent the time from 10 o'clock to 11:15 be equally divided between Senator COVERDELL or his designee and the ranking member or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I now ask unanimous consent that on Wednesday, at

11:15, the Senate proceed to vote on cloture on the motion to proceed to S. 543 and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. COVERDELL. For the information of all Senators, tomorrow morning the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Senators are reminded that there will be a cloture vote at 11:15 on Wednesday on the motion to proceed to S. 543. The Senate could also be asked to turn to other Legislative or Executive Calendar items. Therefore, votes can be anticipated during the entire day on Wednesday.

#### ORDER FOR RECESS

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator MOSELEY-BRAUN of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the call of the quorum is dispensed with.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 o'clock tomorrow morning.

Thereupon, at 5:23 p.m., the Senate adjourned until Wednesday, April 30, 1997, at 10 a.m.